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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 97–102–2]

Mediterranean Fruit Fly; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Mediterranean fruit fly regulations by removing the quarantined area in Los Angeles County, CA, from the list of quarantined areas. The quarantine was necessary to prevent the spread of the Mediterranean fruit fly to noninfested areas of the United States. We have determined that the Mediterranean fruit fly has been eradicated from this area and that restrictions on the interstate movement of regulated articles from this area are no longer necessary. As a result of this action, there are no longer any areas in California quarantined because of the Mediterranean fruit fly.

DATES: Interim rule effective April 16, 1998. Consideration will be given only to comments received on or before June 22, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–102–2, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–102–2. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247; or e-mail: mstefan@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), is one of the world's most destructive pests of numerous fruits and vegetables. The Mediterranean fruit fly (Medfly) can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. The short life cycle of this pest permits the rapid development of serious outbreaks.

The regulations in 7 CFR 301.78 through 301.78–10 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of Medfly to noninfested areas of the United States. In an interim rule effective on October 16, 1997, and published in the **Federal Register** on October 21, 1997 (62 FR 54572–54574, Docket No. 97–102–1), we added a portion of Los Angeles County, CA, to the list of areas quarantined because of the Medfly and restricted the interstate movement of regulated articles from that quarantined area.

We have determined, based on trapping surveys conducted by the Animal and Plant Health Inspection Service (APHIS) and California State and county agency inspectors, that the Medfly has been eradicated from the quarantined area in Los Angeles County, CA. The last finding of Medfly thought to be associated with the infestation in Los Angeles County, CA, was October 6, 1997. Since that time, no evidence of infestation has been found in this area. We are, therefore, removing Los Angeles County, CA, from the list of areas in § 301.78–3(c) quarantined because of the Medfly. As a result of this action, there are no longer any areas in California quarantined because of the Medfly.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. The portion of Los Angeles County, CA, affected by this document was quarantined to prevent the Medfly from spreading to noninfested areas of the United States. Because the Medfly has been eradicated from this area, and because the continued quarantined status of Los Angeles County, CA, would impose unnecessary regulatory restrictions on the public, immediate action is warranted to relieve restrictions.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This interim rule amends the Medfly regulations by removing an area in Los Angeles County, CA, from quarantine for Medfly. This action affects the interstate movement of regulated articles from this area. There are approximately 613 small entities that could be affected, including 2 farmers' markets, 2 community gardens, 31 distributors, 4 food banks, 529 fruit sellers, 4 growers, 30 nurseries, and 11 swapmeets.

These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of California. In addition, most of these small entities sell regulated articles primarily for local intrastate, not interstate movement, and the sale of these articles would not be affected by this interim rule.

Therefore, termination of the quarantine in Los Angeles County, CA, should have a minimal economic effect on the small entities operating in this area. We anticipate that the economic

impact of lifting the quarantine, though positive, will be no more significant than was the minimal impact of its imposition.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

§ 301.78–3 [Amended]

2. Section 301.78–3, paragraph (c), is amended by removing the entry for California.

Done in Washington, DC, this 16th day of April 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–10561 Filed 4–20–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 98–018–1]

Brucellosis in Cattle; State and Area Classifications; Georgia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Georgia from Class A to Class Free. We have determined that Georgia meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Georgia.

DATES: Interim rule effective April 21, 1998. Consideration will be given only to comments received on or before June 22, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–018–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–018–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. R.T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, Suite 3B08, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–7709; or e-mail: rrollo@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella.*

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class B and Class A fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percent of all brucellosis reactors found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Georgia was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12 consecutive month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

After reviewing the brucellosis program records for Georgia, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Georgia from the list of Class A States in

§ 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Georgia.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Georgia.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Georgia from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from this State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Georgia, as well as buyers and importers of cattle from this State.

There are an estimated 27,000 cattle herds in Georgia that would be affected by this rule. All of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all animals affected by this rule, Class Free status would save approximately $4 per head.

Therefore, we believe that changing the brucellosis status of Georgia will not have a significant economic impact on the small entities affected by this interim rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 78.41 [Amended]

2. In § 78.41, paragraph (a) is amended by adding ''Georgia,'' immediately after ''Florida,''.

3. In § 78.41, paragraph (b) is amended by removing ''Georgia,''.

Done in Washington, DC, this 15th day of April 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–10559 Filed 4–20–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–52–AD; Amendment 39–10481; AD 98–09–02]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369 (YOH–6A), 369A (OH–6A), 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, and 500N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to McDonnell Douglas Helicopter Systems (MDHS) Model 369 (YOH–6A), 369A (OH–6A), 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, and 369HS helicopters, that currently requires replacing overrunning clutch outer races (outer races) having certain heat treatment numbers. This amendment requires replacing all outer races with airworthy outer races, regardless of the heat treatment number, and is applicable to a particular model helicopter that was not included in the existing AD (Model 500N helicopters). This amendment is prompted by several reports of failed clutch races having heat treatment numbers other than the ones addressed in the earlier AD. The actions specified by this AD are intended to prevent failure of the overrunning clutch assembly outer race, which could result in loss of engine drive to the rotor system and a subsequent forced landing.

DATES: Effective May 6, 1998. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 6, 1998.

Comments for inclusion in the Rules Docket must be received on or before June 22, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–52–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from McDonnell Douglas Helicopter Systems, Technical Publications, Bldg. 530/B11, 5000 E. McDowell Road, Mesa, Arizona 85205–9797. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region,

2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Conze, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Boulevard, Lakewood, California 90712, telephone (562) 627–5261, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On April 15, 1988, the FAA issued AD 88–10–04, Amendment 39–5897 (53 FR 16384, May 9, 1988) to require replacing outer races, part number (P/N) 369A5352, serial number (S/N) 0692 through 0927, with airworthy outer races in accordance with paragraphs a through g of the Procedures section of McDonnell Douglas Helicopter Company Service Information Notice HN–215/DN–156/EN–46/FN–34, dated March 18, 1988. On March 17, 1989, the FAA issued AD 88–10–04 R1, Amendment 39–6173 (54 FR 12590, March 28, 1989), to limit the scope of AD 88–10–04, to require replacing only outer races, P/N 369A5352, S/N 0692 through 0927, having heat treatment (HT) number HT 255534. The revision to AD 88–10–04 was prompted by a determination that only outer races with heat treatment batch numbers ''HT 255534'' had been improperly processed during manufacture. That condition, if not corrected, could result in failure of the overrunning clutch assembly outer race, loss of engine drive to the rotor system and a subsequent forced landing.

Since the issuance of that AD and the revision to the AD, MDHS has received additional reports of failed outer races with heat treatment numbers other than HT 255534. Additionally, the FAA has determined that the AD should also be applicable to the Model 500N helicopter. This model was not in existence when the previous AD was issued.

Since an unsafe condition has been identified that is likely to exist or develop on other MDHS Model 369, 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, YOH–6A, and OH–6A, helicopters of the same type design, this AD supersedes AD 88–10–04 and the revision, AD 88–10–04 R1, to require, within the next 50 hours time-in-service (TIS), removing the outer races, P/N 369A5352, S/N 0692 through S/N 0927, and replacing it with airworthy outer races, P/N 369A5352–5, together with a wave washer, P/N W1593–018. The short compliance time involved is required because the previously described critical unsafe condition can result in a forced landing of the helicopter. Therefore, the replacement of parts is required within the next 50 hours TIS, and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 2000 MDHS Model 369, 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, YOH–6A, and OH–6A helicopters of U.S. registry will be affected by this AD, that it will take approximately 2 hours to accomplish the parts replacement, and that the average labor rate is $60 per hour. Required parts will cost approximately $1,614 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,468,000.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–SW–52–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–5897 (53 FR 16384, May 9, 1988) and Amendment 39–6173 (54 FR 12590, March 28, 1989), and by adding a new airworthiness directive (AD), Amendment 39–10481, to read as follows:

AD 98–09–02 **McDonnell Douglas Helicopter Systems:** Amendment 39–10481. Docket No. 97–SW–52–AD. Supersedes AD 88–10–04, Amendment 39–5897 and AD 88–10–04 R1, Amendment 39–6173.

Applicability: Model 369, 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM,

369HS, 500N, YOH–6A, and OH–6A helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within 50 hours time-in-service after the effective date of this AD, unless accomplished previously.

To prevent failure of the overrunning clutch assembly outer race, which could result in loss of engine drive to the rotor system and a subsequent forced landing, accomplish the following:

(a) Inspect the overrunning clutch outer race, part number (P/N) 369A5352, to determine its serial number (S/N) in accordance with paragraphs A through C of the Accomplishment Instructions contained in McDonnell Douglas Helicopter Systems Service Information Notice HN–215.2, DN–156.2, EN–46.2, FN–34.2, NN–010, dated March 18, 1997 (service information notice).

(b) Remove any overrunning clutch outer race, P/N 369A5352, having a S/N of 0692 through 0927, and replace it with an airworthy overrunning clutch outer race, P/N 369A5352–5, together with a wave washer, P/N W1593–018, in accordance with the service information notice.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(e) The inspection and replacement shall be done in accordance with McDonnell Douglas Helicopter Systems Service Information Notice HN–215.2, DN–156.2, EN–46.2, FN–34.2, NN–010, dated April 11, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Helicopter Systems, Technical Publications, Bldg. 530/B11, 5000 E. McDowell Road, Mesa, Arizona 85205–9797. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 6, 1998.

Issued in Fort Worth, Texas, on April 14, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–10461 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS BLUE RIDGE (LCC 19) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: 31 March 1998.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia, 22332–2400, Telephone Number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS BLUE RIDGE (LCC 19) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as an amphibious command vessel: Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship; and the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by revising the entry for USS BLUE RIDGE to read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
* * *	*	*	*	*	*
USS BLUE RIDGE	LCC 19	N/A	N/A	X	84
* * *	*	*	*	*	*

Dated: March 31, 1998.

Approved:

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 98–10435 Filed 4–20–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08–98–012]

Drawbridge Operating Regulation; Lake Pontchartrain, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans across Lake Pontchartrain, between Metairie, Jefferson Parish, Louisiana, and Mandeville, St. Tammany Parish, Louisiana. From May 4, 1998, through July 2, 1998 the draw will remain closed Mondays through Saturdays, except for the Memorial Day holiday weekend. This temporary deviation is issued to allow for cleaning and painting of the bascule structures, an extensive but necessary maintenance operation.

DATES: This deviation is effective from 12:01 a.m. on May 4, 1998 through 12:01 a.m. on July 2, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, telephone number 504–589–2965.

SUPPLEMENTARY INFORMATION: The north bascule spans of the Greater New Orleans Expressway Commission causeway across Lake Pontchartrain, Louisiana have a vertical clearance of 42 feet above mean high water in the closed to navigation position and unlimited clearance in the open to navigation position. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft. As an alternate route, the south channel span provides a vertical clearance of 50 feet above mean high water.

The Greater New Orleans Expressway Commission sent a letter to the Coast Guard requesting this temporary deviation from normal drawbridge operating regulations so that the draw spans can be cleaned and painted. The equipment used for this procedure has to be removed each time the draw span is opened. Since this process is time consuming and costly, the equipment should remain in place for 6-day periods, allowing the contractor to maximize work time. Painting operations in the counterweight area will require the bridges to be placed in the open to navigation position. During the time in which the span of one bridge is in the open position to be painted, the span of the other bridge will need to be closed to detour vehicular traffic. The short term inconvenience, attributable to a delay of vessel traffic for a maximum of six days, is outweighed by the long term benefits to be gained by keeping the bridges free of corrosion and in proper working condition. This work is essential for the continued operation of the draw spans.

This deviation allows the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans, to remain closed to navigation from 12:01 a.m. on Mondays until 12:01 a.m. on Sundays from May 4 through July 2, 1998 except for the holiday weekend of May 23, 24 and 25, 1998. In the event of an approaching tropical storm or hurricane, the bridges will be returned to the normal operation within 24 hours of notification by the Coast Guard.

This deviation will be effective from 12:01 a.m. on May 4, 1998 through 12:01 a.m. on July 2, 1998. Presently, the draw opens on signal if at least three hours' notice is given, as required by 33 CFR 117.467.

Dated: April 10, 1998.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 98–10550 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–98–029]

RIN 2115–AA97

Safety Zone: Bath/Woolwich Bridge Construction Project, Bath, ME

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone to close a portion of the Kennebec River to waterway traffic in a 100-foot radius around each of two construction barges operating in the vicinity of the Carlton Bridge, Bath, Maine, from May 10, 1998 at 7 a.m. through October 1, 1998 at 7 a.m. This safety zone is needed to protect persons, vessels and others in the maritime community from the safety hazards associated with construction barges working in a bridge construction capacity. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This regulation is effective from May 10, 1998 at 7 a.m. until October 1, 1998 at 7 a.m.

FOR FURTHER INFORMATION CONTACT: Lieutenant J.D. Gafkjen, Chief of Response and Planning, Captain of the Port, Portland at (207) 780–3251.

SUPPLEMENTARY INFORMATION:

Regulatory History

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Due to the complex planning and coordination involved, final details for the channel closure were not provided to the Coast Guard until April 3, 1998, making it impossible to publish an NPRM or a final rule 30 days in advance. Publishing an NPRM and delaying its effective date would effectively suspend construction of the new Bath/Woolwich Bridge which would be contrary to the public interest.

Background and Purpose

A portion of the Kennebec River will be closed to all marine traffic from May 10, 1998 at 7 a.m. until October 1, 1998 at 7 a.m. The safety zone covers a portion of the Kennebec River in a radius of 100 feet around each of two construction barges, which will be functioning as platforms for cranes, and operating in the vicinity of the Carlton Bridge, Bath, Maine. This safety zone is required to protect construction personnel and the maritime community from the hazards associated with heavy bridge construction. Vessels and recreational craft venturing close to the construction equipment present a safety risk to both themselves and the construction personnel. Entry into this zone will be prohibited unless authorized by the Captain of the Port. Because the safety zone encompasses only a portion of the Kennebec River, vessel traffic will not be impeded.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of the Kennebec River. The effect of this regulation will not be significant for several reasons: the area covered by the safety zone restricts only a portion of the main channel allowing traffic to continue to pass through; advance coordination of port operations around the channel closure has been established to minimize the effect on commercial vessel traffic; and advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.).*

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.e. of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A temporary section, 165.T01–CGD1–141, is added to read as follows:

§ 165.T01-029 Carlton Bridge Construction Project, Bath, ME.

(a) *Location.* The safety zone covers a portion of the Kennebec River in a radius of 100 feet around each of two construction barges operating in the vicinity of the Carlton Bridge, Bath, Maine.

(b) *Effective date.* This regulation is effective from May 10, 1998 at 7 a.m. until October 01, 1998 at 7 a.m. unless terminated sooner by the Captain of the Port.

(c) *Regulations.* The general regulations contained in 33 CFR 165.23 apply.

Dated: April 7, 1998.

Burton S. Russell,

Commander, U.S. Coast Guard, Captain of the Port, Portland, Maine.

[FR Doc. 98–10549 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 187

[CGD 89–050]

RIN 2115–AD35

Vessel Identification System; Effective Date Change

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule; change in effective date.

SUMMARY: The Coast Guard extends the delay of the effective date of part of its regulations establishing the vessel identification system. Subpart D of these regulations addressing guidelines for State vessel titling systems was to become effective on April 24, 1998. Based on comments received from the States and banking interests, the Coast Guard needs more time to address the issues raised. Therefore, by extending

the delay in the effective date through April 23, 1999, the Coast Guard, States, and public will have an opportunity to further review the issues identified. The remainder of the regulation is unaffected by this notice.

EFFECTIVE DATES: This document is effective April 23, 1998. The effective date of Subpart D of 33 CFR part 187 is delayed until April 24, 1999. All other provisions of the interim final rule that became effective on April 24, 1996, will remain effective, as stated in the interim final rule.

FOR FURTHER INFORMATION CONTACT: Lieutenant James Whitehead, Project Manager, Officer of Information Resources (G–MRI), 202–267–0385. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Reason for Suspension

One subpart of the interim final rule prescribes the procedures for obtaining certification of compliance with guidelines for State vessel titling systems (33 CFR part 187, subpart D). The effective date of that subpart was delayed through April 23, 1998, to allow the States and the Coast Guard more time to review the complexities of State titling systems. Due to the comments received during the additional comment period from October 20, 1997, through December 4, 1997, the Coast Guard needs more time to consider the many substantive changes recommended in those comments. Therefore, the Coast Guard is delaying the effective date of subpart D until April 24, 1999. All other provisions of the interim final rule will remain in effect.

Accordingly, under the authority of 46 U.S.C. 2103 and 49 CFR 1.46, the effective date of 33 CFR part 187, subpart D, is changed to April 24, 1999.

Dated: April 14, 1998.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–10552 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA 66–71741a; FRL–5998–3]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves in part several minor revisions to the state of Washington Implementation Plan (SIP). Pursuant to section 110(a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (Ecology) submitted a request to EPA dated December 30, 1997, to revise certain regulations of a local air pollution control agency, namely, the Puget Sound Air Pollution Control Agency (PSAPCA).

DATES: This action is effective on June 22, 1998 unless adverse or critical comments are received by May 21, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, and WDOE, P.O. Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Washington Operations Office, EPA, 300 Desmond Drive, Suite 102, Lacey, Washington 98503, (360) 753–9079.

SUPPLEMENTARY INFORMATION:

I. Background

A submittal from Ecology, dated December 30, 1997, was sent to EPA and consisted of minor amendments to PSAPCA Regulation I.

Ecology and PSAPCA held public hearings on September 11, 1997. The minor revisions became effective on November 1, 1997, and were adopted by Ecology as part of the Washington State Implementation Plan on December 30, 1997.

Regulation I, section 3.11, Civil Penalties, is amended to adjust maximum penalty amounts for inflation. Sections 5.05, 5.07, 6.04, and 6.10 are amended to include updates to adjust the fees for the registration and notice of construction programs in order to cover the costs of administering the programs.

II. Summary of Action

EPA is, by today's action, approving the following revisions submitted by Ecology on December 30, 1997, as amendments to the regulations of PSAPCA and for inclusion into the SIP: Regulation I.

- Section 3.11, Civil Penalties.
- Section 5.05, General Reporting Requirements for Registration.
- Section 5.07, Registration Fees.
- Section 6.04, Notice of Construction Review Fees.
- Section 6.10, Work Done Without an Approval.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective June 22, 1998 without further notice unless the Agency receives relevant adverse comments by May 21, 1998.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 22, 1998 and no further action will be taken on the proposed rule.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis

assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D, of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the Comptroller General

Under 5 U.S.C. 801 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Fees, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: April 6, 1998.

Chuck Clarke,

Regional Administrator, Region X.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c) (77) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(77) On December 30, 1997, the Director of the Washington State Department of Ecology submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I.

(i) Incorporation by reference.

(A) PSAPCA Regulations approved—Regulation I, Sections 3.11, 5.05, 5.07, 6.04, 6.10—State-adopted 9/11/97.

[FR Doc. 98–10399 Filed 4–20–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–203–0062; FRL–5996–4]

Approval and Promulgation of State Implementation Plans; California—Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a state implementation plan (SIP) revision submitted by the State of California relating to control measures for attaining the ozone national ambient air quality standards (NAAQS) in the Ventura County nonattainment area. The submittal revises control measure adoption schedules in the 1994 ozone SIP for Ventura County. EPA is approving the SIP revision under provisions of the Clean Air Act (CAA or the Act) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on May 21, 1998.

ADDRESSES: The rulemaking docket for this document may be inspected and copied at the following locations during normal business hours. A reasonable fee may be charged for copying parts of the docket.

Environmental Protection Agency, Region 9, Air Division, Air Planning Office, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Air and Radiation Docket and Information Center (6102), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Copies of the SIP materials are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, California.

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, California.

FOR FURTHER INFORMATION CONTACT: Dave Jesson (415) 744–1288, Air Planning Office (AIR–2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105–3901.

SUPPLEMENTARY INFORMATION:

I. Background

EPA is finalizing approval of a revision to the Ventura 1994 ozone SIP. The revision was included in the Ventura County 1997 Air Quality Management Plan Revision, which was adopted on October 21, 1997. The revision updates the adoption and implementation dates for 8 measures in the 1994 ozone SIP. On November 5, 1997, CARB adopted and submitted this update as a SIP revision. On November 19, 1997, EPA found the revision to be complete, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, Appendix V.[1] On December 5, 1997, CARB submitted a technical correction to the November 5, 1997 submittal.

This action was proposed on December 24, 1997 (62 FR 67320–23). The reader is referred to that notice for additional detail on the affected area and the SIP submittal, as well as a summary of relevant CAA provisions and EPA interpretations of those provisions.

II. Public Comments

EPA received no comments on the proposal.

III. EPA Final Action

In this document, EPA is taking final action to approve the 1997 update to the 1994 ozone SIP for Ventura under sections 110(k)(3) and 301(a) of the Act. The effect of this approval is to amend the federally enforceable adoption and implementation dates and emission reductions for 8 measures in the Ventura 1994 ozone SIP as shown in the tables in the proposed approval entitled ''Revised Adoption and Implementation Dates for Ventura Measures'' and ''Revised Emission Reductions for Ventura Measures'' (62 FR 67321–22). The amended measures are: R–303 AIM Architectural Coatings, R–322 Painter Certification Program, R–327 Electronic Component Manufacturing, R–410 Marine Tanker Loading, R–420 Pleasure Craft Fuel Transfer, R–421 Utility Engine Refueling Operations, R–425 Enhanced Fugitive I/M Program, N–102 Boilers, Steam Generators, Heaters <1 MMBtu.

IV. Regulatory Process

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and subchapter I, part D of the CAA, do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: April 2, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(251) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(251) New and amended plans for the following agency were submitted on November 5, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) Ventura County Air Pollution Control District.

(*1*) Commitments to adopt and implement control measures contained in the Ventura 1997 Air Quality Management Plan, adopted on October 21, 1997.

[FR Doc. 98–10398 Filed 4–20–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA—189—0059; FRL–5996–5]

Approval and Promulgation of State Implementation Plans; California—South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a state implementation plan (SIP) revision submitted by the State of California to provide for attainment of the carbon monoxide (CO) national ambient air quality standards (NAAQS) in the Los Angeles-South Coast Air Basin Area (South Coast). EPA is approving the SIP revision under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas. The demonstration of attainment in the SIP depends, in part, upon reductions from an enhanced inspection and maintenance (I/M) program for motor vehicles. Since EPA has previously granted interim approval to the California I/M program, the Agency is granting interim approval to the reasonable further progress and attainment demonstration portions of the plan.

EFFECTIVE DATE: This action is effective on May 21, 1998.

ADDRESSES: The rulemaking docket for this document, Docket No. 97–17, may be inspected and copied at the following location during normal business hours. A reasonable fee may be charged for copying parts of the docket.

Environmental Protection Agency, Region 9, Air Division, Air Planning Office, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Air and Radiation Docket and Information Center (6102), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Copies of the SIP materials are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, California;

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California.

FOR FURTHER INFORMATION CONTACT: Dave Jesson (415) 744–1288, Air Planning Office (AIR–2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105–3901.

SUPPLEMENTARY INFORMATION:

I. Background

EPA is finalizing approval and interim approval of the 1997 CO plan for the South Coast,[1] which was adopted on November 15, 1996, by the South Coast Air Quality Management District (SCAQMD), submitted as a SIP revision by the California Air Resources Board (CARB) on February 5, 1997. EPA determined this submission to be complete on April 1, 1997.[2]

The 1997 CO plan addresses applicable CAA requirements for the South Coast, which is classified as a serious nonattainment area for CO, including the requirement to demonstrate expeditious attainment of the CO NAAQS no later than December 31, 2000. The demonstration must provide enforceable measures to achieve emission reductions each year leading to emissions at or below the level predicted to result in attainment of the NAAQS throughout the nonattainment area.

Specifically, EPA is finalizing approval of procedural requirements, baseline and projected emission inventories, and vehicle miles traveled (VMT) forecasts and commitments, and interim approval of the attainment demonstration and quantitative milestones and reasonable further progress.

EPA is also finalizing action to rescind EPA's February 14, 1995 partial approval and partial disapproval of the 1994 South Coast CO SIP submittal. These actions on the 1994 CO SIP submittal have not been in effect, since EPA's final rulemaking was never published in the **Federal Register**. The 1997 CO plan updates and supersedes the 1994 CO SIP submittal and corrects the deficiencies in the 1994 submittal that were the subject of the partial disapproval actions.

These actions were proposed on December 5, 1997 (62 FR 64329–64334). The reader is referred to that notice for additional detail on the affected area and the SIP submittal, as well as a summary of relevant CAA provisions and EPA interpretations of those provisions.

II. Public Comments

EPA received no comments on the proposal.

III. EPA Final Action

In this document, EPA is taking the following actions on elements of the 1997 South Coast Air Quality Management Plan, as adopted on November 15, 1996, and submitted on February 5, 1997:

(1) Approval of procedural requirements, under section 110(a)(1) of the CAA;

(2) Approval of the baseline and projected emission inventories, under sections 172(c)(3) and 187(a)(1) of the CAA;

(3) Interim approval of the attainment demonstration, under section 187(a)(7) of the CAA and section 348(c) of the National Highway System Designation Act (''Highway Act,'' Public Law 104–59, enacted on November 28, 1995);

(4) Interim approval of quantitative milestones and reasonable further progress, under sections 171(1), 172(c)(2), and 187(a)(7) of the CAA and section 348(c) of the Highway Act; and

(5) Approval of VMT forecasts and the responsible agencies' commitments to revise and replace the VMT projections as needed and monitor actual VMT levels in the future, under section 187(a)(2)(A) of the CAA.

EPA also takes final action to rescind EPA's prior partial approval and partial disapproval of the 1994 South Coast CO SIP submittal, taken on February 14, 1995. As discussed in the proposal (62 FR 64330), these actions have not been in effect, since the final rule was never published in the **Federal Register**.

Along with EPA's prior interim approval of California's enhanced motor

[1] For a description of the boundaries of the Los Angeles-South Coast Air Basin, see 40 CFR 81.305.

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

vehicle inspection and maintenance (I/M) program under section 187(a)(6) of the CAA and section 348(c) of the Highway Act, these interim approvals expire on August 7, 1998, or earlier if by such date California submits the required demonstration that the CO credits are appropriate. 61 FR 10920, March 18, 1996.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and subchapter I, part D of the CAA, do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 2, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(247) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(247) New and amended plans for the following agency were submitted on February 5, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(*1*) Carbon monoxide emissions inventory, VMT forecasts and commitments to monitor actual VMT levels and revise and replace the VMT projections as needed in the future, as contained in the South Coast 1997 Air Quality Management Plan.

3. Section 52.243 is added to subpart F to read as follows:

§ 52.243 Interim approval of the Carbon Monoxide plan for the South Coast.

The Carbon Monoxide plan for the Los Angeles-South Coast Air Basin is approved as meeting the provisions of sections 171(1), 172(c)(2), and 187(a)(7) for quantitative milestones and reasonable further progress, and the provisions of section 187(a)(7) for attainment demonstration. This approval expires on August 7, 1998, or earlier if by such earlier date the State has submitted as a SIP revision a demonstration that the carbon monoxide emission reduction credits for the enhanced motor vehicle inspection and maintenance program are appropriate and that the program is otherwise in compliance with the Clean Air Act and EPA takes final action approving that revision, as provided by section 348(c) of the National Highway System Designation Act (Public Law 104–59).

[FR Doc. 98–10397 Filed 4–20–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–7; RM–8732, RM–8845 and MM Docket No. 96–12; RM–8741]

Radio Broadcasting Services; Banks, Redmond, Sunriver,Corvallis and The Dalles, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of LifeTalk Broadcasting Association, allots Channel *268C3 to The Dalles, Oregon, as the community's first local noncommercial educational FM channel. *See* 61 FR 6336, February 20, 1996. Channel 268C3 can be allotted to The Dalles in compliance with the Commission's minimum distance separation requirements with a site restriction of 20.3 kilometers (12.6 miles) east, at coordinates 45–34–00 NL; 120–55–00 WL, because it does not require the use of more than conventional facilities to provide the entire community with a city-grade 70 dBu signal. At the request of American Radio Systems License Corp. and Combined Communications, Inc., the Commission substitutes Channel 298C1 for Channel 298C2 at Banks, Oregon, modifies the license of Station KBBT-FM to specify operation on the higher powered channel, substitutes Channel 269C2 for Channel 298C2 at Redmond, Oregon, and modifies the license of Station KLRR to specify the alternate Class C2 channel. *See* 61 FR 4950, February 9, 1996. Channel 298C1 can be allotted to Banks at Station KBBT-FM's licensed transmitter site, 45–31–22 NL; 122–45-07 WL. Channel 269C2 can be allotted to Redmond at Station KLRR's licensed transmitter site, 44–04–41 NL; 121–19–57 WL. At the request of Hurricane Broadcasting, Inc., Channel 224C2 is allotted to Sunriver, Oregon, without the imposition of a site restriction, at coordinates 43-52-00 NL; 121–30–00. These allotments were found to better serve the public interest than the conflicting one-step upgrade application of Madgekal Broadcasting, Inc., licensee of Station KFLY, to substitute Channel 268C for Channel 268C2 at Corvallis, Oregon, and modify the station's license accordingly. The settlement agreement submitted by American Radio Systems/Combined Communications and Madgekal Broadcasting, Inc., is not approved. With this action, this proceeding is terminated.

DATES: Effective May 18, 1998. A filing window for Channel 224C2 at Sunriver, Oregon, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order. However, since the allotment of Channel *268C3 at The Dalles, Oregon, has been reserved for noncommercial educational use, applications for Channel *268C3 at The Dalles may be filed and will be processed in accordance with the cut-off procedures for noncommercial educational FM applications.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket Nos. 96–7 and 96–12, adopted March 25, 1998 and released April 3, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Channel 298C1at Banks, adding Channel 269C2 at Redmond, adding Sunriver, Channel 224C2, and adding Channel *268C3 at The Dalles.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division,Mass Media Bureau.

[FR Doc. 98–10133 Filed 4–20–98; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1039

[STB Ex Parte No. 561]

Rail General Exemption Authority—Nonferrous Recyclables

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is exempting from regulation 29 nonferrous recyclable commodity groups, because their regulation is unnecessary under the exemption statute.

EFFECTIVE DATE: These rules are effective May 21, 1998.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking served May 5, 1997, and published in the **Federal Register** on May 16, 1997 (62 FR 27003) (*'97 NPR*), we sought comments on whether to exempt from regulatory oversight rail transportation of 29 nonferrous recyclable commodity groups listed at the end of this document. Comments were filed by the Association of American Railroads (AAR), the American Forest and Paper Association (AF&PA), the Institute of Scrap Recycling Industries, Inc. (ISRI), and Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board (UTU–IL). Replies were filed by the AAR and UTU–IL.

Based on the record, we conclude that the proposed exemption is warranted.

Background

In *Rail General Exemption Authority—Exemption of Nonferrous Recyclables and Railroad Rates on Recyclable Commodities*, Ex Parte No. 346 (Sub-No. 36), served August 23, 1994, and published in the **Federal Register** on August 24, 1994 (59 FR 43529) (*'94 NPR*), the Interstate Commerce Commission proposed to exempt, from all regulation except the special maximum rate cap of former 49 U.S.C. 10731(e),[1] the rail transportation of 28 nonferrous recyclable commodity groups. The *'94 NPR* was issued in response to an April 1994 petition filed

[1] Former section 10731(e) provided that ''[n]otwithstanding any other provision of this subtitle or any other law,'' including the agency's exemption authority, rates for the transportation of nonferrous recyclable or recycled materials had to be set at or below levels that would permit the rail industry to recover its fully allocated costs.

by the AAR, various individual railroads, and ISRI.

Petitioners argued that, by freeing carriers from regulatory requirements, an exemption would ''reduc[e] administrative costs and increas[e] railroad ratemaking flexibility.'' Before the rulemaking was concluded, however, the ICC Termination Act of 1995 (ICCTA) repealed the special recyclables rate cap provision of former section 10731(e).

With the repeal of former section 10731(e), there was no need to consider only a partial exemption. Thus, we instituted this proceeding[2] and solicited comments on a full exemption for 29 recyclable commodity groups.[3] We also observed that, in *Removal of Obsolete Recyclables Regulations*, 1 S.T.B. 7 (1996), in which we had repealed the regulations at former 49 CFR 1145 designed to implement former 49 U.S.C. 10731(e), we had inadvertently removed from the Code of Federal Regulations the list of 11 of the 29 recyclables under consideration here (at 49 CFR 1145.9) that previously had been partially exempted from regulation. We explained that, during the pendency of this proceeding, these commodity groups would be exempt from all regulation except the maximum rate provisions of 49 U.S.C. 10701 *et seq.*

Positions of the Parties

The AAR contends that the market for transportation of recyclables is highly competitive and characterized by declining rates, shrinking market shares, and low revenue-to-variable cost (r/vc) percentages. It notes that, based on revenues per ton-mile (r/tm), there has been a long-term decline in average recyclable rail rates. On average, r/tm in current dollars has fallen from 3.9 cents in 1981 to 3.1 cents in 1995. AAR also computes the 1995 market share for 18 of the recyclable commodity groups under consideration here.[4] With one exception,[5] the railroads' market share for those commodity groups ranged from 0.7% to 25.1%. Finally, AAR points out that the 1995 composite r/vc percentages for the 29 recyclable commodity groups was 98.9%, well below the 180% level at which our jurisdiction to evaluate the reasonableness of rail rates begins.

ISRI, which had joined in the 1994 petition to partially exempt recyclables from regulation, filed separate comments in response to the *'97 NPR*. ISRI notes that ICCTA's elimination of the tariff filing requirements and reduction of rail contract regulation relieve carriers of most pre-ICCTA regulatory burdens. Although it does not oppose the exemption, ISRI expresses concern that the ongoing restructuring of the rail industry may, in the future, require the Board to reconsider the exemption and to resume regulatory oversight to protect shippers and receivers of nonferrous recyclables.

UTU–IL opposes the exemption, arguing that it would be harmful both to the public interest and to railroad employees. It contends that deregulation would allow carriers not to compete for business, and that there is no evidence that regulation has unduly restricted the movement of nonferrous recyclables. It also submits that the value of this proceeding is questionable because of the significant changes brought about by the ICCTA.

AF&PA limited its comments to the issue of exempting scrap paper. It supports a total exemption for that commodity.

Discussion and Conclusions

Section 10502 requires that an exemption be granted when (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101 (RTP) and (2) either (a) the transaction or service is of limited scope, or (b) application of the provision in whole or in part is not needed to protect shippers from an abuse of market power. We find that regulation of rail transportation of the 29 commodity groups under consideration is not necessary to advance the RTP or to protect shippers from abuse of market power, and we accordingly grant the exemption.[6] In reaching this conclusion, we have considered the provisions of the RTP that bear on the appropriateness of this exemption.[7] See *Illinois Commerce Com'n* v. *ICC*, 787 F.2d 616, 627 (D.C. Cir. 1986).

The transportation of nonferrous recyclables is very competitive, as evidenced by the overall r/vc percentage of 98.9 in 1995, the decline in r/tm from 3.9 cents in 1981 to 3.1 cents in 1995, and the general decline in rail market shares. The record also indicates that motor carriers play a significant role in the transportation of these commodity groups. Generally, motor carriers possess advantages of access and speed, and they have become more cost effective as motor trailer capacities have grown. Under these circumstances, we find no evidence that rail carriers possess sufficient market power to abuse shippers and, indeed, must operate efficiently to compete for this traffic. Thus, current transportation of these commodity groups is consistent with 49 U.S.C. 10101 (1), (4), (5) and (9), which favor reliance on competition in the marketplace and encourage efficiency in rail operations.

Furthermore, because of the highly competitive nature of the recyclables transportation market and the overall low level of rates, regulation is not needed to carry out the policy of section 10101(6) (protecting shippers from unreasonable rates). Indeed, we do not have jurisdiction to evaluate the reasonableness of a rate that results in a revenue-variable cost percentage of less than 180.[8] Moreover, these same factors suggest that recyclables moving by rail are being effectively transported and that regulation is not necessary to carry out the policy of section 10101(14) (energy conservation). Finally, given this evidence of a heavily competitive environment, we find that the goal of section 10101(2) of minimizing regulatory control over rail transportation is best met by granting the exemption.

We note that ISRI, while not opposing the exemption, has asked us to ''be receptive to petitions to revoke the exemption.'' Under 49 U.S.C. 10502(d), the Board can revoke an exemption if it finds that application of a statutory provision is necessary to carry out the RTP. As has been our practice, we will carefully consider any revocation request. The main effect of our

[2] In a decision served May 5, 1997, and published in the **Federal Register** on May 16, 1997 (62 FR 27002), the Ex Parte No. 346 (Sub-No. 36) proceeding was discontinued and the comments filed in that proceeding were incorporated into the record of this proceeding.

[3] As discussed in detail in the *'97 NPR* at 4–5, in proposing to exempt 29 commodity groups, we retained 26 of the 28 commodity groups included in the *'94 NPR*, expanded two commodity groups to a broader Standard Transportation Commodity Code (STCC) classification (STCCs 20511 and 41115), and added a 29th commodity (STCC 40241 scrap paper).

[4] Total tonnage figures used to compute market shares were not available for the other 11 commodity groups.

[5] Based on a limited sample, the railroads appeared to have a 91.9% market share for tin scrap. However, AAR notes that tin scrap was sparsely sampled in the 1995 waybill, with only seven waybills representing 280 expanded carloads, and therefore the market share calculation could be inaccurate. In any event, the 1995 r/vc percentage for tin scrap is only 106.4%. Furthermore, all of the tin scrap traffic sampled moved less than 600 miles, a length of haul where movements are generally vulnerable to truck competition. V.S. Posey at 11–12.

[6] Because we are satisfied that the continued regulation of the transportation of these 29 commodity groups is not necessary to carry out the RTP or to protect shippers from abuse of market power, we need not determine whether the transportation of these commodity groups is of limited scope.

[7] Sections 10101 (1), (2), (4), (5), (6), (9), and (14) are the RTP provisions that are particularly relevant to our analysis here.

[8] 49 U.S.C. 10707.

exemption is to suspend our jurisdiction to examine the reasonableness of a rate, jurisdiction we believe is unnecessary given the overall low level of rates. However, a particular shipper paying a rate that is more than 180% of the railroad's variable costs that believes that its rate is unreasonable may file a petition for revocation of the exemption and a rate complaint simultaneously. If we conclude that the carrier is market dominant, we will revoke the exemption as it relates to the complaining shipper's movements and evaluate the reasonableness of the rate.

UTU–IL was the only party opposing the exemption. Without offering any explanation or support for that assertion, UTU–IL baldly asserts that the exemption will allow railroads not to compete for business. We do not expect the railroads to discourage movement of this traffic. Indeed, UTU–IL acknowledges that rail movements of nonferrous recyclables increased substantially during the 1992–95 period when revenue per ton declined from $24.64 to $22.92.[9]

Finally, we reject UTU–IL's remaining arguments. The nonparticipation of Huron Valley and Star (which responded in opposition to the *'94 NPR*) in this rulemaking suggests that shipper opposition has lessened. We have examined Huron Valley's and Star's comments filed in response to the *'94 NPR* and have found that the concerns raised there have been mooted by the passage of the ICCTA or do not demonstrate that regulation is needed to protect shippers from the abuse of market power by the railroads.[10] UTU–IL, moreover, does not specify how the exemption would be harmful to the public interest or railroad employees. Under these circumstances, and given the fact that, consistent with 49 U.S.C. 10502, regulation is not needed to carry out the RTP or to protect shippers from abuse of market power, the record supports exempting the 29 commodity groups.

Our final rules are shown at the end of this document.[11]

Environmental and Energy Considerations

We conclude that granting this exemption will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), we conclude that this exemption will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed, directly or indirectly, on such entities. The impact, if any, will be to reduce the amount of paperwork and regulation. This exemption is based, at least in part, on a finding that regulation of this transportation is not necessary to protect shippers (including small shippers) from abuse of market power. See 49 U.S.C. 10502. Such a finding indicates that a substantial number of small entities will not be significantly affected by a lifting of regulation.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

Decided: April 10, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, Title 49, Chapter X, Part 1039 of the Code of Federal Regulations is amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for Part 1039 continues to read as follows:

Authority: 5 U.S.C. 553; and 49 U.S.C. 10502.

2. In § 1039.11, paragraph (a) is amended by adding the following entries in numerical order to the table and by revising the first sentence to the text following the table to read as follows:

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

STCC No.	STCC tariff	Commodity
*	*	* * * * * *
20511	6001–X, eff., 1–1–96	Bread or other bakery products exc. biscuits, crackers, pretzels or other dry bakery products. See 20521–20529.
22941	.....do.	Textile waste, garnetted, processed, or recovered or recovered fibres or flock exc. packing or wiping cloths or rags. See 22994.
22973	.....do.	Textile fibres, laps, noils, nubs, roving, sliver or slubs, prepared for spinning, combed or converted.
22994	.....do.	Packing or wiping cloths or rags (processed textile wastes).
24293	.....do.	Shavings or sawdust.
30311	.....do.	Reclaimed rubber.
3229924	.....do.	Cullet (broken glass).
33312	.....do.	Copper matte, speiss, flue dust, or residues, etc.
33322	.....do.	Lead matte, speiss, flue dust, dross, slag, skimmings, etc.
33332	.....do.	Zinc dross, residues, ashes, etc.

[9] UTU–IL contends that r/tm does not measure rail rates because rail rates taper downward with distance and that average length of haul for all rail traffic rose from 615.8 miles in 1980 to 842.6 miles in 1995. UTU–IL's argument is misplaced because the average length of haul for nonferrous recyclables declined from 1992 to 1995 while the r/tm also declined from 3.9 cents in 1981 to 3.1 cents in 1995. UTU–IL's argument that the average length of haul increased from 1980 to 1995 is based on *all* rail traffic, rather than on only nonferrous recyclables.

[10] In their 1994 comments, both Star and Huron Valley argued that, because of the special status accorded recyclables under former section 10731, an exemption should not be issued. These arguments are now moot. Further, both parties contended that they lacked effective competitive alternatives and that continued regulation was needed to protect them from an abuse of market power. However, Star's comments indicated that its recyclable commodity group (municipal solid waste) moved at rates that produce revenue-variable cost percentages below 180. Likewise, the rates Huron Valley had been assessed for moving its automobile shredder residue produced r/vc percentages below 180. *Huron Valley Steel Co.* v. *CSX Transp., Inc.*, No. 40385 (ICC served Oct. 6, 1992). While former section 10731 limited recyclables rates to levels significantly less than 180% of variable cost, the current statute precludes a finding of an abuse of market power for traffic moving at r/vc percentages below the 180% level.

[11] In addition to adding the 29 commodity groups to the list of exempted commodity groups in 49 CFR 1039.11(a), we have revised the first sentence of paragraph (a) to eliminate specific reference to recyclables because there is no longer any prohibition to a full exemption for these commodity groups. Furthermore, we have eliminated as unnecessary the language that suggests that a commodity group cannot qualify for more than one exemption. We see no reason why a commodity group could not qualify for more than one exemption. However, we have retained the language that the exemption is not applicable to any movement where a finding of market dominance previously has been made.

STCC No.	STCC tariff	Commodity
33342	.....do.	Aluminum residues, etc.
33398	.....do.	Misc. nonferrous metal residues, including solder babbitt or type metal residues.
40112	.....do.	Ashes.
40212	.....do.	Brass, bronze, copper or alloy scrap, tailings, or wastes.
40213	.....do.	Lead, zinc, or alloy scrap, tailings or wastes.
40214	.....do.	Aluminum or alloy scrap, tailings or wastes.
4021960	.....do.	Tin scrap, consisting of scraps or pieces of metallic tin, clippings, drippings, shavings, turnings, or old worn-out block tin pipe having value for remelting purposes only.
40221	.....do.	Textile waste, scrap or sweepings.
40231	.....do.	Wood scrap or waste.
40241	.....do.	Paper waste or scrap.
40251	.....do.	Chemical or petroleum waste, including spent.
40261	.....do.	Rubber or plastic scrap or waste.
4029114	.....do.	Municipal garbage waste, solid, digested and ground, other than sewage waste or fertilizer.
4029176	.....do.	Automobile shredder residue.
4111434	.....do.	Bags, old, burlap, gunny, istle (ixtle), jute, or sisal, NEC.
41115	.....do.	Articles, used, returned for repair or reconditioning.
42111	.....do.	Nonrevenue movement of containers, bags, barrels, bottles, boxes, crates, cores, drums, kegs, reels, tubes, or carriers, NEC, empty, returning in reverse of route used in loaded movement, and so certified.
42112	.....do.	Nonrevenue movement of shipping devices, consisting of blocking, bolsters, cradles, pallets, racks, skids, etc., empty, returning in reverse of route used in loaded movement, and so certified.
42311	.....do.	Revenue movement of containers, bags, barrels, bottles, boxes, crates, cores, drums, kegs, reels, tubes, or carriers, NEC., empty, returning in reverse of route used in loaded movement and so certified.

Excluded from this exemption are any movements for which a finding of market dominance has been made.

* * * * *

[FR Doc. 98–10526 Filed 4–20–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 041498B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Eastern Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of pollock in the Eastern Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catch of pollock in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1998 total allowable catch (TAC) of pollock in this area has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 18, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The amount of the 1998 TAC of pollock in the Eastern Regulatory Area of the GOA was established as 5,580 metric tons by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998). See § 679.20(c)(3)(ii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1998 TAC for pollock in the Eastern Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that further catches of pollock in the Eastern Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1998 TAC for pollock in the Eastern Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1998 TAC for pollock in the Eastern Regulatory Area of the GOA. Further delay would only result in overharvest and disrupt the FMP's objective of not exceeding the TAC throughout the year. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 15, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–10517 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 76
Tuesday, April 21, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 98–002–1]

Change in Disease Status of Great Britain Because of Exotic Newcastle Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to recognize Great Britain as free of exotic Newcastle disease (END). This proposed action is based on information received from Great Britain's Ministry of Agriculture, Fisheries, and Food, and is in accordance with standards set by the Office International des Epizooties for recognizing a country as free of END. This proposed action would relieve restrictions on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds from Great Britain. It would relieve the END-specific restrictions on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain. This proposed action would also relieve the quarantine requirements for poultry hatching eggs imported from Great Britain.

DATES: Consideration will be given only to comments received on or before June 22, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–002–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–002–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231, (301) 734–3399; or e-mail: jcougill@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction of various animal diseases, including exotic Newcastle disease (END), into the United States. END is a contagious, infectious, and communicable disease of birds and poultry.

Section 94.6(a)(1) of the regulations provides that END is considered to exist in all regions of the world except those listed in § 94.6(a)(2), which are considered to be free of END. The importation into the United States of any carcasses, or parts or products of carcasses, of poultry, game birds, or other birds that are from a region where END is considered to exist, or that have been imported from or moved into or through any region where END is considered to exist, is subject to the restrictions contained in § 94.6(c). In addition, the importation into the United States of eggs (other than hatching eggs) laid by poultry, game birds, or other birds that are from a region where END or *Salmonella enteritidis* (SE) phage-type 4 is considered to exist, or that have been imported from or moved into or through any region where END or SE phage-type 4 is considered to exist, is subject to the restrictions contained in § 94.6(d). Poultry eggs for hatching imported from a region where END is considered to exist must be quarantined in accordance with § 93.209(b).

In this document, we are proposing to add Great Britain to the list of regions considered to be free of END. We are proposing this action based on information given to the Animal and Plant Health Inspection Service (APHIS) by Great Britain's Ministry of Agriculture, Fisheries, and Food, and standards set by the Office International des Epizooties (OIE).

In order for a country to be recognized as free of END following detection of disease in that country, the OIE requires that the country follow a strict eradication protocol, which includes restricted movement of poultry, tracebacks of all affected flocks, and a stamping out policy, which includes slaughtering and incinerating affected flocks. The OIE also requires that a country have no reported cases of END for 6 consecutive months before OIE will consider the country free of END.

In a document published in the **Federal Register** on February 7, 1997 (62 FR 5741–5742, Docket No. 97–003–1), and effective on January 31, 1997, we removed Great Britain from the list of regions that were considered to be free of END because of an outbreak of END in Great Britain. Since that time, Great Britain has followed a strict eradication protocol, which included traceback of all affected flocks, restricting movement of poultry in the affected areas, and slaughtering and incinerating all affected flocks. Great Britain has had no reported cases of END since April 1997.

With its request to be considered free of END, Great Britain's Ministry of Agriculture, Fisheries, and Food provided APHIS with information about the eradication procedures that it followed when the outbreak occurred and other pertinent information that we require in order to determine whether Great Britain should be recognized as free of END.

APHIS has reviewed the information provided by Great Britain's Ministry of Agriculture, Fisheries, and Food in support of declaring Great Britain to be free of END. Based on that information, and in accordance with OIE standards for recognizing a country to be free of END, we are proposing to consider Great Britain as free of END. Therefore, we are proposing to amend § 94.6(a)(2) by adding Great Britain to the list of regions considered to be free of END. This proposed action would relieve the restrictions of § 94.6(c) on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds from Great Britain and would relieve the END-specific restrictions of § 94.6(d)(1)(ix) on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain. This

proposed action would also relieve the quarantine requirements of § 93.206(b) for poultry hatching eggs imported from Great Britain.

On October 28, 1997, we published a final rule and policy statement in the **Federal Register** that established procedures for recognizing regions, rather than only countries, for the purpose of importing animals and animal products into the United States, and that established procedures by which regions may request permission to export animals and animal products to the United States under specified conditions, based on the regions' disease status (see 62 FR 56000–56033, Dockets 94–106–8 and 94–106–9). The final rule was effective on November 28, 1997. The request from Great Britain's Ministry of Agriculture, Fisheries, and Food addressed by this proposed rule is not a request to be recognized as a region, rather than a country, nor a request to establish new import conditions based on the disease status of the regions. Therefore, we have handled and evaluated this request in the traditional framework of recognizing a country as free or not free of a specified disease. If this proposed rule is adopted, the current regulations regarding importation of poultry products from regions free of END will apply.

Executive Order 12866

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would recognize Great Britain as free of END. This proposed action is based on information received from Great Britain's Ministry of Agriculture, Fisheries, and Food and is in accordance with OIE standards for recognizing a country as free of END. This proposed rule would relieve restrictions on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds, from Great Britain. It would relieve the END-specific restrictions on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain. This proposed rule would also relieve the quarantine requirements for poultry hatching eggs imported from Great Britain.

The United States imports few eggs, only about 0.1 percent of U.S. production. The United States is a very strong net exporter of poultry products, with imports of only 3,546 metric tons and exports of more than 2 million metric tons in 1996 (''World Trade Atlas,'' June 1997). More than 99 percent of U.S. poultry product imports originate in Canada. Prior to January 31, 1997, when APHIS removed Great Britain from the list of END-free regions, U.S. imports of poultry products from the United Kingdom, which includes Great Britain and Northern Ireland, accounted for less than 2 percent of the total U.S. imports of poultry products.[1]

U.S. producers, consumers, and importers of poultry products may be potentially affected by this proposed rule. However, because the volume of poultry products previously imported from the United Kingdom was so small compared to the amount produced domestically, and because the total volume of overall poultry product imports is also very small, little or no impact on consumer and producer prices and on importers, is expected.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 would be amended as follows:

[1] Trade data for Great Britain alone was not available.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.6 [Amended]

2. In § 94.6, paragraph (a)(2) would be amended by adding the words ''Great Britain (England, Scotland, Wales, and the Isle of Man),'' immediately after the word ''Finland,''.

Done in Washington, DC, this 15th day of April 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–10560 Filed 4–20–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–03–AD]

Airworthiness Directives; Eurocopter France Model SE3130, SA3180, SE313B, SA318B, and SA318C Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Eurocopter France Model SE3130, SA3180, SE313B, SA318B, and SA318C helicopters. This proposal would require initial and repetitive visual inspections and modification, if necessary, of the horizontal stabilizer spar tube (spar tube). This proposal is prompted by an in-service report of fatigue cracks that initiated from corrosion pits. The actions specified by the proposed AD are intended to prevent fatigue failure of the spar tube, separation and impact of the horizontal stabilizer with the main or tail rotor, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98–SW–03–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–SW–03–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98–SW–03–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Eurocopter France Model SE3130, SA3180, SE313B, SA318B, and SA318C helicopters. The DGAC advises that fatigue failure of the spar tube can result in separation and impact of the horizontal stabilizer with the main or tail rotor and subsequent loss of control of the helicopter.

Eurocopter France has issued Eurocopter France Service Bulletin No. 55.10, Revision 2, dated April 25, 1997, which specifies visual inspections of the spar tube for corrosion until a modified spar tube is installed, and visual inspections of the spar tube at specified time intervals. The DGAC classified this service bulletin as mandatory and issued DGAC AD 96–278–054(B)R1, dated May 21, 1997, in order to assure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SE3130, SA3180, SE313B, SA318B, and SA318C helicopters of the same type design registered in the United States, the proposed AD would require an initial and repetitive inspections and modification, if necessary, of the spar tube. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 14 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 0.5 work hour per helicopter to accomplish the inspection and 3 work hours per helicopter to accomplish the modification, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1100 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1310 per helicopter.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. 98–SW–03–AD.

Applicability: SE3130, SA3180, SE313B, SA318B, and SA318C helicopters with horizontal stabilizer, part number (P/N)

3130–35–60–000, 3130–35–60–000–1, 3130–35–60–000–2, 3130–35–60–000–3, 3130–35–60–000–4 or higher dash numbers, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue failure of the horizontal stabilizer spar tube (spar tube), impact of the horizontal stabilizer with the main or tail rotor and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight:

(1) Inspect the aircraft records and the horizontal stabilizer installation to determine whether Modification 072214 (installation of the spar tube without play) or Modification 072215 (adding two half-shells on the spar) has been accomplished.

(2) If Modification 072214 has not been installed, comply with paragraphs 2.A., 2.B.1), 2.B.2)a), and 2.B.2)b) of the Accomplishment Instructions of Eurocopter France Service Bulletin No. 55.10, Revision 2, dated April 25, 1997 (service bulletin). If the fit and dimensions of the components specified in paragraph 2.B.2)a) exceed the tolerances in the applicable structural repair manual, replace with airworthy parts.

(3) If Modification 072215 has not been installed, first comply with paragraphs 2.A., 2.B.1), and 2.B.3), and then comply with paragraph 2.B.2)c) of the Accomplishment Instructions of the service bulletin.

Note 2: Modification kit P/N 315A–07–0221571 contains the necessary materials to accomplish this modification.

(b) Before the first flight of each day:

(1) Visually inspect the installation of the half-shells, the horizontal stabilizer supports, and the horizontal stabilizer for corrosion or cracks. Repair any corroded parts in accordance with the applicable maintenance manual. Replace any cracked components with airworthy parts before further flight.

(2) Confirm that there is no play in the horizontal stabilizer supports by lightly shaking the horizontal stabilizer. If play is detected, comply with paragraphs 2.A. and 2.B.2)a) of the service bulletin. If the fit and dimensions of the components specified in paragraph 2.B.2)a) exceed the tolerances in the applicable structural repair manual, replace with airworthy parts before further flight.

(c) At intervals not to exceed 400 hours time-in-service (TIS) or four calendar months, whichever occurs first, inspect and lubricate the spar tube attachment bolts.

(d) For stabilizers, P/N 3130–35–60–000, 3130–35–60-000–1, 3130–35–60–000–2, or 3130–35–60–000–3, within 90 calendar days and thereafter at intervals not to exceed 18 calendar months, visually inspect the inside of the horizontal spar tube in accordance with paragraph 2.A. and 2.B.)1) of the service bulletin.

(1) If corrosion is found inside the tube, other than in the half-shell area, replace the tube with an airworthy tube within the next 500 hours TIS or 24 calendar months, whichever occurs first.

(2) If corrosion is found inside the tube in the half-shell area, apply a protective treatment as described in paragraph 2.B.1)b) of the service bulletin.

(e) For stabilizers, P/N 3130–35–60–000–4 or higher dash numbers, accomplish the following:

(1) At or before the next major inspection, 3200 hours total TIS, or 12 calendar years total TIS, whichever occurs first, and thereafter at each major inspection, visually inspect the inside of the horizontal spar tube in accordance with paragraph 2.A. and 2.B.1) of the service bulletin.

(2) If corrosion is found inside the tube, other than in the half-shell area, replace the tube with an airworthy tube within the next 500 hours TIS or 18 calendar months, whichever occurs first. If corrosion is found inside the tube in the half-shell area, apply a protective treatment as described in paragraph 2.B.1)b) of the service bulletin.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(g) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 96–278–054(B)R1, dated May 21, 1997.

Issued in Fort Worth, Texas, on April 14, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–10460 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–02–AD]

Airworthiness Directives; Eurocopter France Model SA. 315B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Eurocopter France Model SA. 315B helicopters. This proposal would require an initial and repetitive visual inspections and modification, if necessary, of the horizontal stabilizer spar tube (spar tube). This proposal is prompted by an in-service report of fatigue cracks that initiated from corrosion pits. The actions specified by the proposed AD are intended to prevent fatigue failure of the spar tube, separation and impact of the horizontal stabilizer with the main or tail rotor and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98–SW–02–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such

written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–SW–02–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98–SW–02–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Eurocopter France Model SA. 315B helicopters. The DGAC advises that fatigue failure of the spar tube can result in separation and impact of the horizontal stabilizer with the main or tail rotor and subsequent loss of control of the helicopter.

Eurocopter France has issued Eurocopter France Service Bulletin No. 55.01, Revision 3, dated April 25, 1997, which specifies visual inspections of the spar tube for corrosion until a modified spar tube is installed, and visual inspections of the spar tube at specified time intervals. The DGAC classified this service bulletin as mandatory and issued DGAC AD 96–277–037(B)R1, dated May 21, 1997, in order to assure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SA. 315B helicopters of the same type design registered in the United States, the proposed AD would require an initial and repetitive inspections and modification, if necessary, of the spar tube. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 28 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 0.5 work hour per helicopter to accomplish the inspections and 3 work hours per helicopter to accomplish the modification, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,100 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,310 per helicopter.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. 98–SW–02–AD.

Applicability: Model SA. 315B helicopters with horizontal stabilizers, part number (P/N) 315A35–10–000–1, 315A35–10–000–2, or higher dash numbers, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent a fatigue failure of the horizontal stabilizer spar tube (spar tube), impact of the horizontal stabilizer with the main or tail rotor and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight:

(1) Inspect the aircraft records and the horizontal stabilizer installation to determine whether Modification 072214 (installation of the spar tube without play) or Modification 072215 (adding two half-shells on the spar) has been accomplished.

(2) If Modification 072214 has not been installed, comply with paragraphs 2.A., 2.B.1), 2.B.2)a), and 2.B.2)b) of the

Accomplishment Instructions of Eurocopter France Service Bulletin No. 55.01, Revision 3, dated April 25, 1997 (service bulletin). If the fit and dimensions of the components specified in paragraph 2.B.2)a) exceed the tolerances in the applicable structural repair manual, replace with airworthy parts.

(3) If Modification 072215 has not been installed, first comply with paragraphs 2.A., 2.B.1), and 2.B.3), and then comply with paragraph 2.B.2)c) of the Accomplishment Instructions of the service bulletin.

Note 2: Modification kit P/N 315A–07–0221571 contains the necessary materials to accomplish this modification.

(b) Before the first flight of each day:

(1) Visually inspect the installation of the half-shells, the horizontal stabilizer supports, and the horizontal stabilizer for corrosion or cracks. Repair any corroded parts in accordance with the applicable maintenance manual. Replace any cracked components with airworthy parts before further flight.

(2) Confirm that there is no play in the horizontal stabilizer supports by lightly shaking the horizontal stabilizer. If play is detected, comply with paragraphs 2.A. and 2.B.2)a) of the service bulletin. If the fit and dimensions of the components specified in paragraph 2.B.2)a) exceed the tolerances in the applicable structural repair manual, replace with airworthy parts before further flight.

(c) At intervals not to exceed 400 hours time-in-service (TIS) or four calendar months, whichever occurs first, inspect and lubricate the spar tube attachment bolts.

(d) Within 90 calendar days and thereafter at intervals not to exceed 24 calendar months, visually inspect the inside of the horizontal spar tube in accordance with paragraph 2.A. and 2.B.)1) of the service bulletin.

(1) If corrosion is found inside the tube, other than in the half-shell area, replace the tube with an airworthy tube within the next 500 hours TIS or 18 calendar months, whichever occurs first.

(2) If corrosion is found inside the tube in the half-shell area, apply a protective treatment as described in paragraph 2.B.1)b) of the service bulletin.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 96–277–037(B)R1, dated May 21, 1997.

Issued in Fort Worth, Texas, on April 14, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–10465 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–V

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–38–AD]

Airworthiness Directives; Eurocopter France Model SA 330F, G, and J Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Eurocopter France (Eurocopter) Model SA 330F, G, and J helicopters. This proposal would require initial and repetitive inspections of each tail rotor shaft flapping hinge retainer (retainer) for cracks and replacement of a retainer if a crack is discovered. This proposal is prompted by a report of high vibrations occurring on a helicopter while it was in service due to a cracked retainer. The actions specified by the proposed AD are intended to detect cracks in the retainers that, if left undetected, could lead to high tail rotor vibrations, loss of tail rotor control, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–38–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5123, (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–SW–38–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–38–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Eurocopter Model SA 330F, G, and J helicopters. The DGAC advises that cracking of the retainers could lead to high tail rotor vibrations, loss of tail rotor control, and subsequent loss of control of the helicopter.

Eurocopter France has issued Eurocopter France Service Bulletin No. 05.84, Revision 1, dated January 29, 1996, which specifies visually checking the entire outside surface of the five flapping hinge retainers for cracks. If it cannot be determined by the visual inspection that no crack is present, the service bulletin also specifies that a dye-penetrant crack detection inspection be performed. The DGAC classified this service bulletin as mandatory and issued DGAC AD 96–076–075(AB)R1,

dated November 5, 1997, in order to assure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter Model SA 330F, G, and J helicopters of the same type design registered in the United States, the proposed AD would require a dye penetrant inspection of the retainers for cracks prior to the first flight of each day.

The FAA estimates that 4 helicopter of U.S. registry would be affected by this proposed AD, that it would take approximately 0.5 work hour per helicopter to accomplish each dye-penetrant inspection, 2.0 work hours to replace the retainers on each helicopter, if necessary, and that the average labor rate is $60 per work hour. Required parts would cost approximately $56,900. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $252,080, assuming that the retainers on the tail rotor blades are replaced on all 4 helicopters and each helicopter is dye penetrant inspected 200 times per year.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. 97–SW–38–AD.

Applicability: Model SA 330F, G, and J helicopters with tail rotor head assembly, part number 330 A 33 0000 all dash numbers, or 330 A 33 0001 all dash numbers, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To detect cracks on a tail rotor shaft flapping hinge retainer (retainer) that could lead to high tail rotor vibrations, loss of tail rotor control, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, and thereafter before the first flight of each day, perform a dye-penetrant inspection of each retainer for cracks.

(b) If a crack is found on any retainer, replace it with an airworthy retainer before further flight.

Note 2: Eurocopter Service Bulletin No. 05.84, Revision No. 1, dated January 29, 1996, pertains to the subject of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 96–076–075(AB)R1, dated November 5, 1997.

Issued in Fort Worth, Texas, on April 14, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–10462 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–65–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–145 series airplanes. This proposal would require replacement of the horizontal stabilizer anti-icing valve with a new anti-icing valve. This proposal also would require reinforcement of the insulation over the anti-icing ducts of the horizontal stabilizer thermal anti-icing system. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the

horizontal stabilizer anti-icing valve, which could cause the horizontal stabilizer thermal anti-icing system to be inoperative, and could result in reduced controllability of the airplane.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98-NM–65-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: John W. McGraw, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6098; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98-NM–65-AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98-NM–65-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB–145 series airplanes. The DAC advises that it has received reports of failure of the horizontal stabilizer anti-icing valve. The cause of these failures has been attributed to freezing of the valve control mechanism during normal icing conditions. The valve remains closed when commanded to open, which could disable the horizontal stabilizer thermal anti-icing system. This condition, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145–30–0007, dated November 13, 1997, which describes procedures for replacement of the horizontal stabilizer anti-icing valve with a new anti-icing valve, and reinforcement of the insulation over the anti-icing ducts of the horizontal stabilizer thermal anti-icing system. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 98–01–04, dated January 15, 1998, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 17 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,040, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the

location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Empresa Brasileira De Aeronautica S.A. (EMBRAER): Docket 98–NM–65–AD.

Applicability: Model EMB–145 series airplanes, serial numbers 145004 through 145027 inclusive, equipped with horizontal stabilizer anti-icing valve having part number (P/N) 329445; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the horizontal stabilizer anti-icing valve, which could cause the horizontal stabilizer thermal anti-icing system to be inoperative, and could result in reduced controllability of the airplane, accomplish the following:

(a) Within 400 flight hours after the effective date of this AD, replace the horizontal stabilizer anti-icing valve with a new anti-icing valve, and reinforce the insulation over the anti-icing ducts of the horizontal stabilizer thermal anti-icing system; in accordance with EMBRAER Service Bulletin 145–30–0007, dated November 13, 1997.

(b) As of the effective date of this AD, no person shall install on any airplane a horizontal stabilizer anti-icing valve having part number 329445.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 98–01–04, dated January 15, 1998.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10468 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–63–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes. This proposal would require repetitive inspections to detect chafing of the hydraulic pipe on the emergency uplock release system of the main landing gear (MLG); testing of the hydraulic pipe for leaks, if necessary; and repair of the hydraulic pipe, if necessary. This proposal also would require modification of the attachment bolt and attachment hole on the structural panel, which would terminate the repetitive inspection requirements of this AD. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent chafing between the hydraulic pipe on the emergency uplock release system of the MLG and an attachment bolt on a structural panel, which could result in rupture of the hydraulic pipe, loss of hydraulic pressure, and consequent inability to activate the emergency MLG extension.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–63–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped

postcard on which the following statement is made: ''Comments to Docket Number 98–NM–63–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–63–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, notified the FAA that an unsafe condition may exist on certain Saab Model SAAB 2000 series airplanes. The LFV advises that it has received reports indicating that interference may exist between the hydraulic pipe on the emergency uplock release system of the main landing gear (MLG) and an attachment bolt on a structural panel. Investigation has revealed that the design of the emergency uplock release system on certain SAAB 2000 series airplanes causes the hydraulic pipe and the attachment bolt to be susceptible to this type of interference. Such interference may cause chafing of the hydraulic pipe. This condition, if not corrected, could result in rupture of the hydraulic pipe, loss of hydraulic pressure, and consequent inability to activate the emergency MLG extension.

Explanation of Relevant Service Information

Saab has issued Service Bulletin 2000–29–007, Revision 01, dated August 18, 1997, which describes procedures for repetitive visual inspections to detect chafing of the hydraulic pipe on the emergency uplock release system of the MLG; testing of the hydraulic pipe for leaks, if necessary; and repair of the hydraulic pipe, if necessary. The service bulletin also describes procedures for modification of the attachment bolt and attachment hole on the structural panel, which would eliminate the need for the repetitive inspections described in the service bulletin. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive (SAD) 1–112R1, dated August 21, 1997, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

This airplane model is manufactured in Sweden and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 3 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 3 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $540, or $180 per airplane.

It would take approximately 6 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be $1,080, or $360 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

SAAB Aircraft AB: Docket 98–NM–63–AD.

Applicability: Model SAAB 2000 series airplanes, serial numbers -002 through -059 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

Note 2: Accomplishment of the actions required by this AD prior to the effective date

of this AD in accordance with Saab Service Bulletin 2000–29–007, dated April 29, 1997, are considered acceptable for compliance with the applicable actions specified in this AD.

To prevent chafing between the hydraulic pipe on the emergency uplock release system of the main landing gear (MLG) and an attachment bolt on a structural panel, which could result in rupture of the hydraulic pipe, loss of hydraulic pressure, and consequent inability to activate the emergency MLG extension, accomplish the following:

(a) Within 300 flight hours after the effective date of this AD, perform a visual inspection to detect chafing of the hydraulic pipe on the emergency uplock release system of the MLG, in accordance with Saab Service Bulletin 2000–29–007, Revision 01, dated August 18, 1997.

(1) If no chafing is detected, repeat the visual inspection thereafter at intervals not to exceed 300 flight hours.

(2) If any chafing is detected, prior to further flight, perform a test of the hydraulic pipe to detect leaks in accordance with the service bulletin.

(i) If no leaking is detected, repeat the actions required by paragraph (a) of this AD thereafter at intervals not to exceed 300 flight hours.

(ii) If any leaking is detected, prior to further flight, repair the hydraulic pipe and accomplish paragraph (b) of this AD, in accordance with the service bulletin.

(b) Within 900 flight hours after the effective date of this AD, modify the attachment bolt and attachment hole on the structural panel, in accordance with Saab Service Bulletin 2000–29–007, Revision 01, dated August 18, 1997. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–216.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in Swedish airworthiness directive (SAD) 1–112R1, dated August 21, 1997.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10473 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–66–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER EMB–145 series airplanes. This proposal would require modification of the windshield heating system in the flight compartment. This proposal is prompted by reports of overheating and delamination of the windshield because the windshield heating system failed to shut off during flight. The action specified by the proposed AD is intended to prevent failure of the windshield heating system, which could result in reduced pilot visibility, structural degradation of the windshield, and depressurization of the airplane during flight.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–66–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: John W. McGraw, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337–2748; telephone (770) 703–6098; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–66–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–66–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of overheating and delamination of the windshield in the flight compartment because the windshield heating system failed to shut off during flight. The cause of the failure of the windshield heating system has been attributed to failure of the contactor in the closed position and failure of the electrical connections between the contactor and

the busbar. This condition, if not corrected, could result in reduced pilot visibility, structural degradation of the windshield, and depressurization of the airplane during flight.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145–30–0008, dated November 10, 1997, which describes procedures for modification of the windshield heating system in the flight compartment. This modification involves installation of a support beam between frames 10 and 12 at the right- and left-hand cockpit floor; installation of an additional contactor, circuit breaker, and associated wiring; and installation of an auxiliary relay and associated wiring. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, has approved this service bulletin.

FAA's Conclusions

The FAA has reviewed the service bulletin described previously and has determined that accomplishment of the actions specified in the service bulletin will positively address the identified unsafe condition.

U.S. Type Certification of the Airplane

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 17 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 12 work hours per airplane to accomplish the proposed modifications, at an average labor rate of $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on this figure, the cost impact of the proposed AD on U.S. operators is estimated to be $12,240, or $720 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Empresa Brasileira De Aeronautica S.A. (EMBRAER): Docket 98–NM–66–AD.

Applicability: Model EMB–145 series airplanes, serial numbers 145004 through 145029 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the windshield heating system, which could result in reduced pilot visibility, structural degradation of the windshield, and depressurization of the airplane during flight, accomplish the following:

(a) Within 60 days after the effective date of this AD, modify the windshield heating system in accordance with EMBRAER Service Bulletin 145–30–0008, dated November 10, 1997.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10477 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–75–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319 and A321–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A319 and A321–100 series airplanes. This proposal would require adjustment of the landing gear unlocked-stop screw; replacement of the shear pins in the reduction gear box and the landing gear pulley assembly with new or serviceable shear pins; a one-time inspection to detect discrepancies of the landing gear cut-out valve; an operational test of the uplock mechanical control system; and follow-on corrective actions, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent non-extension of one or more landing gears, consequent damage to the airplane structure, and possible injury to passengers and crewmembers.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–75–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–75–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–75–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319 and A321–100 series airplanes. The DGAC advises that certain Airbus Model A319 and A321–100 series airplanes were manufactured with the free-fall control mechanism for the landing gear rigged incorrectly. The landing gear unlocked-stop screw of the reduction gear box was not adjusted properly. Such improper adjustment of the landing gear unlocked-stop screw could lead to damage to the cut-out valve and rupture of the four shear pins in the free-fall mechanism during a free-fall extension. This condition, if not corrected, could result in non-extension of one or more landing gears, consequent damage to the airplane structure, and possible injury to passengers and crewmembers.

Explanation of Relevant Service Information

The manufacturer has issued Airbus Industrie A319/A321 All Operator Telex (AOT) 32–15, dated July 1, 1997, which describes procedures for adjustment of the landing gear unlocked-stop screw; replacement of the shear pins in the reduction gear box and the landing gear pulley assembly with new or serviceable shear pins; a one-time visual inspection of the main landing gear cut-out valve to detect discrepancies (rupture, distortion, and angular position); an operational test of the uplock mechanical control system; and follow-on corrective actions, if necessary. The corrective actions include replacing the cut-out valve with a new or serviceable part and performing functional tests of the normal extension and retraction of the landing gear and of the free-fall extension system. Accomplishment of the actions specified in the AOT is intended to adequately address the identified unsafe condition. The DGAC classified this AOT as mandatory and issued French airworthiness directive 97–177–101(B), dated August 13, 1997, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the AOT described previously.

Cost Impact

The FAA estimates that 2 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 20 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,400, or $1,200 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would

accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 98–NM–75–AD.

Applicability: Model A319 series airplanes, manufacturer's serial numbers 578 through 625 inclusive; and Model A321–100 series airplanes, manufacturer's serial numbers 385 through 620 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent non-extension of one or more landing gears, consequent damage to the airplane structure, and possible injury to passengers and crewmembers, accomplish the following:

(a) Within 400 flight hours after the effective date of this AD, accomplish the actions required by paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD, in accordance with Airbus Industrie A319/A321 All Operator Telex (AOT) 32–15, dated July 1, 1997.

(1) Adjust the landing gear unlocked-stop screw.

(2) Replace the shear pins in the reduction gear box and the landing gear pulley assembly with new or serviceable shear pins.

(3) Inspect the cut-out valve for discrepancies. If any discrepancy to the cut-out valve is detected, accomplish the requirements of paragraphs (a)(3)(i) and (a)(3)(ii) of this AD at the time specified in the AOT.

(i) Replace the cut-out valve with a new or serviceable part within the time specified in the AOT.

(ii) After replacing the cut-out valve, perform a functional test of the normal extension and retraction of the landing gear and of the free-fall extension system. If any discrepancy is detected during the accomplishment of either of the functional tests, prior to further flight, repair in accordance with the AOT.

(4) Perform an operational test of the gear uplock and door uplock mechanical control system. If any discrepancy is detected during the accomplishment of the operational test, prior to further flight, repair in accordance with the AOT.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in French airworthiness directive 97–177–101(B), dated August 13, 1997.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10476 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–86–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4100 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace (Jetstream) Model 4100 airplanes. This proposal would require an eddy current conductivity test to measure the conductivity of the upper splice plate of the wing, and follow-on actions, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to correct corrosion of the upper splice plate of the wing, which could result in reduced structural integrity of the airplane.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–86–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–86–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–86–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace (Jetstream) Model 4100 airplanes. The CAA advises that it has received reports of exfoliation corrosion of the upper splice plate of the wing on certain airplanes. Investigation has revealed that the susceptibility to corrosion of the upper splice plate is related to the conductivity of the material. Because the manufacturer finds that such corrosion may be related to a material batch problem, the corrosion is likely to be present or develop on other airplanes with an upper splice plate made from the same material. Corrosion on the upper splice plate of the wing, if not corrected, could result in reduced structural integrity of the airplane.

Explanation of Relevant Service Information

British Aerospace has issued Regional Aircraft Service Bulletin J41–57–019, Revision 1, dated November 26, 1997, including Appendix 1, which describes procedures for performing an eddy current conductivity test to measure the conductivity of the upper splice plate of the wing. If the conductivity of the upper splice plate of the wing is less than 35% of the International Aluminum and Copper Standards (IACS), follow-on actions are required. The CAA approved this service bulletin.

British Aerospace also has issued Regional Aircraft Service Bulletin J41–57–020, dated March 20, 1997, including Appendix 1 and Appendix 2, which describes procedures for performing repetitive detailed visual inspections, using a boroscope, to detect corrosion along the full length of the upper splice plate of the wing; repairing damage that is found to be within certain specified limits; and replacing the existing upper splice plate with a new upper splice plate, if necessary. Such replacement eliminates the need for the repetitive inspections. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 005–03–97 (undated), in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although British Aerospace Regional Aircraft Service Bulletin J41–57–020 specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA.

Cost Impact

The FAA estimates that 54 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed eddy current conductivity inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,240, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 98–NM–86–AD.

Applicability: Jetstream Model 4100 airplanes, constructor's numbers 41004 through 41096 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To correct corrosion of the upper splice plate of the wing, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Within 6 months after the effective date of this AD, perform an eddy current conductivity test to measure the conductivity of the upper splice plate of the wing, in accordance with British Aerospace Regional Aircraft Service Bulletin J41–57–019, Revision 1, dated November 26, 1997, including Appendix 1. If the conductivity measurement is greater than or equal to 35.0% of the International Aluminum and Copper Standards (IACS), no further action is required by this AD.

(b) During the inspection required by paragraph (a) of this AD, if the conductivity measurement is less than 35.0% of the IACS: Prior to further flight, use a boroscope to perform a detailed visual inspection to detect corrosion along the full length of the upper splice plate of the wing, in accordance with British Aerospace Regional Aircraft Service Bulletin J41–57–020, dated March 20, 1997, including Appendix 1 and Appendix 2. Thereafter, repeat the inspection at intervals not to exceed 1 year.

(1) During any inspection required by paragraph (b) of this AD, if any corrosion is detected that is within the allowable limits specified in the service bulletin: Accomplish the actions required by paragraphs (b)(1)(i) and (b)(1)(ii) of this AD, at the times specified in those paragraphs.

(i) Prior to further flight, repair the upper splice plate of the wing in accordance with Appendix 2 of the service bulletin. And

(ii) Within 3 years after the detection of corrosion, replace the upper splice plate of the wing with a new upper splice plate in accordance with the service bulletin. Such replacement constitutes terminating action for the requirements of this AD.

(2) During any inspection required by paragraph (b) of this AD, if any corrosion is detected that is outside the allowable limits specified in the service bulletin: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in British airworthiness directive 005–03–97 (undated).

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10483 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–51–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes. This proposal would require repetitive detailed visual inspections to detect cracking in the trunnion fittings located in the nose landing gear (NLG) bay of the forward fuselage; and repair, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct cracking in the trunnion fittings of the NLG, which could lead to collapse of the NLG during takeoff and landing, and possible injury to the flight crew and passengers.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–51–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, Service Support, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–51–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–51–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all British Aerospace Model BAC 1–11 200 and 400 series airplanes. The CAA advises that operators have reported cracks in the trunnion fittings located in the nose landing gear (NLG) bay on the forward fuselage. The cracks propagated through the material thickness in the area of the trunnion cap attachment holes, on both the left- and right-hand trunnion fittings. Laboratory examination indicates that the damage to the trunnion fittings is characteristic of stress corrosion cracking. Additionally, service experience has indicated that certain BAC 1–11 200 and 400 series airplanes on which British Aerospace Modification 5308 has been accomplished may be more prone to such cracking and, therefore, a more stringent inspection schedule is required for these airplanes. (British Aerospace Modification 5308 introduces new bearing assemblies and trunnion caps, and strengthening of associated components.) Such cracking in the trunnion fittings, if not detected and corrected, could lead to collapse of the NLG during takeoff and landing, and possible injury to the flight crew and passengers.

Explanation of Relevant Service Information

British Aerospace has issued Alert Service Bulletin 53–A–PM6035, Revision 1, dated March 7, 1996, which describes procedures for repetitive detailed visual inspections to detect cracking on the left- and right-hand trunnion fittings of the NLG in the area of the trunnion cap attachment holes on both the inner and outer faces of the fitting. The CAA classified this alert service bulletin as mandatory and issued British airworthiness directive 004–03–96, dated April 26, 1996, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously. The actions would be required to be accomplished in accordance with the alert service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the alert service bulletin specifies that the manufacturer may be contacted for repairing crack conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA.

Cost Impact

The FAA estimates that 42 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,520, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Docket 98–NM–51–AD.

Applicability: All Model BAC 1–11 200 and 400 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking in the trunnion fittings of the nose landing gear (NLG), which could lead to collapse of the NLG during takeoff and landing, and possible injury to the flight crew and passengers, accomplish the following:

(a) Perform a detailed visual inspection for cracking on the left- and right-hand trunnion fittings of the NLG, in the area of the trunnion cap attachment holes, in accordance with British Aerospace Alert Service Bulletin 53–A–PM6035, Revision 1, dated March 7, 1996; at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For airplanes on which British Aerospace Modification PM5308 has not been accomplished: Perform the inspection within 6 years after the effective date of this AD, or within 11 years after the last inspection accomplished in accordance with the alert service bulletin, whichever occurs later. Repeat the inspection thereafter at intervals not to exceed 11 years.

(2) For airplanes on which British Aerospace Modification PM5308 has been accomplished: Perform the inspection within 30 months after the effective date of this AD, or within 5 years after the last inspection accomplished in accordance with the alert service bulletin, whichever occurs later. Repeat the inspection thereafter at intervals not to exceed 6 years.

(b) If any crack is found during any inspection required by paragraph (a) of this AD, prior to further flight, repair the crack in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in the British airworthiness directive 004–03–96, dated April 26, 1996.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10475 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–81–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A300 and all Model A300–600 series airplanes. This proposal would require a one-time inspection for cracking of the gantry lower flanges in the main landing gear (MLG) bay area; and repair, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct cracking of the gantry lower flanges in the MLG bay area, which could result in decompression of the airplane.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–81–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–81–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–81–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A300 and all Model A300–600 series airplanes. The DGAC advises that, during an inspection on a Model A300–600 series airplane, cracks were found at 20,600 flight cycles between left-hand frames 51 and 52 on the gantry (frame support structure) lower flange 4 in the main landing gear (MLG) bay area. In addition, the DGAC advises that, during an inspection on a Model A300–600 series airplane, cracks were found at 16,800 flight cycles between right-hand frames 50B, 51A, and 52A and at left-hand frame 50B on the gantry lower flange 5. Such cracking, if not corrected, could result in decompression of the airplane.

The cause of the cracking in this area is still under investigation. However, the gantry lower flanges on certain Model A300 series airplanes are identical in design to those on Model A300–600 series airplanes; therefore, both models may be subject to the same unsafe condition.

Explanation of Relevant Service Information

Airbus has issued All Operators Telex (AOT) 53–11, dated October 13, 1997, which describes procedures for a one-time ultrasonic inspection for cracking of the gantry lower flanges in the MLG bay area. This AOT also describes procedures for repair of cracks. The repair involves stop drilling of cracks as a temporary repair, or installing a doubler on the gantry lower flange to reinforce the area. The DGAC classified this AOT as mandatory and issued French airworthiness directive 97–372–236(B), dated December 3, 1997, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the AOT described previously, except as discussed below.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Differences Between Proposed Rule and Service Information

Operators should note that, unlike the procedures described in Airbus AOT 53–11, dated October 13, 1997, this proposed AD would not permit further flight if cracks are detected in the gantry lower flanges in the MLG bay area. The FAA has determined that, because of the safety implications and consequences associated with such cracking, any subject gantry lower flange that is found to be cracked must be repaired or modified prior to further flight.

Cost Impact

The FAA estimates that 67 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 4 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on this figure, the cost impact of the proposed AD on U.S. operators is estimated to be $16,080, or $240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 98–NM–81–AD.

Applicability: Model A300 series airplanes on which Airbus Modification 3474 has been accomplished, and all Model A300–600 series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking of the gantry lower flanges in the main landing gear (MLG) bay area, which could result in

decompression of the airplane, accomplish the following:

(a) Prior to the accumulation of 16,300 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later, perform a one-time ultrasonic inspection for cracking of the gantry lower flanges in the MLG bay area, in accordance with Airbus All Operators Telex (AOT) 53–11, dated October 13, 1997.

(1) If any cracking is detected, prior to further flight, repair in accordance with the AOT.

(2) If no cracking is detected, no further action is required by this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in French airworthiness directive 97–372–236(B), dated December 3, 1997.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10488 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–100–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes. This proposal would require repetitive, detailed visual inspections of the windshield wiper assembly for discrepant conditions, and corrective actions, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the windshield wiper assembly, which could result in loss of visibility, damage to the propeller(s), or penetration of the fuselage skin and consequent depressurization of the airplane.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–100–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–100–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–100–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, notified the FAA that an unsafe condition may exist on certain Saab Model SAAB SF340A and SAAB 340B series airplanes. The LFV advises that it has received reports indicating that a windshield wiper blade separated from the wiper arm at the attachment point, which consists of two rivets that connect the wiper blade and arm tip to the wiper arm. On one airplane, the wiper blade struck and damaged a propeller and was thrown into the side of the airplane. The cause of the detachment of the blade has been attributed to the failure of the two rivets. Such failure could result in loss of visibility, damage to the propeller(s), or penetration of the fuselage skin and consequent depressurization of the airplane.

Explanation of Relevant Service Information

The manufacturer has issued SAAB Service Bulletin 340–30–081, dated November 14, 1997, including Attachment 1, Revision 1, dated September 14, 1997, which describes procedures for a one-time, detailed visual inspection of the windshield wiper assembly for discrepant conditions (corrosion; excessive wear; missing, loose, or broken parts; improper alignment; and insecure attachment), and corrective actions, if necessary. The corrective actions include repairing the arm tip assembly or replacing it with a new or serviceable part, if necessary. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive 1–115R1, dated

November 17, 1997, in order to assure the airworthiness of these airplanes in Sweden.

FAA's Conclusions

These airplane models are manufactured in Sweden and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed AD and Service Bulletin

Operators should note that, although the service bulletin does not contain a recommended interval for repetitive visual inspections, the FAA has determined that repetitive inspections are necessary to address the identified unsafe condition, since discrepancies in the windshield wiper assembly could develop and lead to failure following accomplishment of an inspection. In developing an appropriate repetitive inspection interval for this AD, the FAA considered the degree of urgency for the affected fleet, and the time necessary to perform the inspection (less than one hour). In light of these factors, the FAA finds a 1,000-flight-hour repetitive inspection interval to be warranted, in that it represents an appropriate interval of time for affected airplanes to continue to operate between inspections without compromising safety.

In addition, operators should note that, although the service bulletin does not specify repair methods, this proposed AD would require repair in accordance with a method approved by either the FAA or the LFV (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the LFV would be acceptable for compliance with this proposed AD.

Cost Impact

The FAA estimates that 254 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the actions proposed by this AD on U.S. operators is estimated to be $15,240, or $60 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

SAAB Aircraft AB (Formerly SAAB Fairchild): Docket 98–NM–100–AD.

Applicability: Model SAAB SF340A series airplanes, manufacturer's serial numbers 004 through 159 inclusive; and SAAB 340B series airplanes, manufacturer's serial numbers 160 through 399 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the windshield wiper assembly, which could result in loss of visibility, damage to the propeller(s), or penetration of the fuselage skin and consequent depressurization of the airplane, accomplish the following:

(a) Prior to the accumulation of 4,000 total flight hours, or within 3 months after the effective date of this AD, whichever occurs later, perform a detailed visual inspection of the windshield wiper assembly for discrepancies (corrosion; excessive wear; missing, loose, or broken parts; improper alignment; and insecure attachment), in accordance with Saab Service Bulletin 340–30–081, dated November 14, 1997, including Attachment 1, Revision 1, dated September 14, 1997.

(1) If no discrepancy is detected during the inspection, repeat the inspection thereafter at intervals not to exceed 1,000 flight hours.

(2) If any discrepancy is detected during any inspection, prior to further flight, replace the windshield wiper assembly with a new or serviceable windshield wiper assembly, or repair in accordance with a method approved either by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or by the Luftfartsverket (or its delegated agent). Repeat the detailed visual inspection thereafter at intervals not to exceed 1,000 flight hours.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager,

International Branch, ANM–116. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive 1–115R1, dated November 17, 1997.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10487 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–115–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace (Jetstream) Model 4101 airplanes. This proposal would require installation of a warning placard for the fire extinguisher exhaust port located in the rear baggage bay. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent blockage of the fire extinguisher exhaust port, which could result in reduced fire protection in the rear baggage bay and consequent injury to the passengers and crewmembers.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–115–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support Inc., 13850 Mclearen Road, Herndon, Virginia 20171, USA. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–115–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–115–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace (Jetstream) Model 4101 airplanes. The CAA advises that an operator reported an incident in which the fire extinguisher exhaust port located in the rear baggage bay had been covered with tape. The tape had been applied during maintenance to repair a damaged evaporator unit box that also mounted to the exhaust port, and was not removed. The CAA further advises that, without the proper warning placard, the fire extinguisher exhaust port could again inadvertently become covered or blocked by cargo or baggage, which could prevent fire extinguishing chemicals from entering the rear baggage bay. Such blockage of the fire extinguisher exhaust port, if not corrected, could result in reduced fire protection in the rear baggage bay and consequent injury to passengers and crewmembers.

Explanation of Relevant Service Information

The manufacturer has issued British Aerospace Regional Aircraft Service Bulletin J41–11–020, dated November 10, 1997, which describes procedures for installation of a warning placard near the fire extinguisher exhaust port in the rear baggage bay. The new placard will provide clear and visible warning that reads: ''FIRE EXTINGUISHER EXHAUST PORT—DO NOT OBSTRUCT OR BLANK OFF.'' Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 57 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed installation, at an average labor rate of $60 per work hour. Required parts would be minimal. Based on these figures, the cost impact of the installation proposed by this AD on U.S. operators is estimated to be $3,420, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 98–NM–115–AD.

Applicability: Model 4101 airplanes, constructor's numbers 41004 through 41100 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent blockage of the fire extinguisher exhaust port, which could result in reduced fire protection in the rear baggage bay and consequent injury to the passengers and crewmembers, accomplish the following:

(a) Within 4 months after the effective date of this AD, install a warning placard near the fire extinguisher exhaust port in the rear baggage bay, in accordance with British Aerospace Regional Aircraft Service Bulletin J41–11–020, dated November 10, 1997.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10486 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–89–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 series airplanes. This proposal would require a one-time inspection to detect discrepancies of circuit breaker panels 10VE and 11VE; follow-on corrective actions; modification of the contact points; and installation of a high capacity fuse. This proposal would also require replacement of power relays 32HB and 36HB on relay panel 22VE with new parts. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent electrical short circuits of the contact points and power relays on the circuit breaker panels, which could result in increased risk of smoke and fire damage in the flight compartment.

DATES: Comments must be received by May 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–89–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–89–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–89–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328–100 series airplanes. The LBA advises that it has received reports indicating that, on certain in-service airplanes, signs of overheating, sparking, and burning were discovered on circuit breaker panels 10VE and 11VE at the back lighting contact points. These signs of damage may have included delamination, discoloration, pitting, and scorching. Investigation has revealed that an electrical short circuit occurred at the back lighting contact points of the circuit breaker panels. The cause of the electrical short circuit was attributed to the accumulation of moisture and condensation on the exposed contact points.

In addition, the LBA advises that the pilot of a Dornier Model 328–100 series airplane reported that the recirculation fan in the air-conditioning system failed. The recirculation fan was mounted on relay panel 22VE. During investigation into the failure of the recirculation fan, personnel discovered that power relay 32HB, power relay 36HB, and a connector had melted at relay panel 22VE. Further investigation revealed that power relays 32HB and 36HB became hot during flight, and the temperature of the relays exceeded permissible levels. The cause of the overheating and melting was attributed to an inadequate relay design that could not withstand higher electrical loads than anticipated. These electrical short circuits, if not corrected, could result in increased risk of smoke and fire damage in the flight compartment.

Explanation of Relevant Service Information

Dornier has issued Alert Service Bulletin ASB–328–31–016, dated April 2, 1997, which describes procedures for a one-time visual inspection to detect signs of overheating, sparking, or fire damage to circuit breaker panels 10VE and 11VE at the back lighting contact points. This alert service bulletin also describes procedures for replacement of any damaged circuit breaker panel with a new or serviceable panel, and modification of the contact points by applying additional sealant.

Dornier has also issued Service Bulletin SB–328–31–226, including Price/Material Information Sheet, dated June 16, 1997, which describes procedures for modification of circuit breaker panels 10VE and 11VE by installing a jiffy junction (high capacity fuse assembly).

In addition, Dornier has issued Service Bulletin SB–328–21–218, including Price/Material Information Sheet, dated July 2, 1997, which describes procedures for replacement of relays 32HB and 36HB, part number (P/N) DON405M520U5NL, on relay panel 22VE with new relays, P/N 2504MY1, having a higher load capacity.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The LBA classified these service bulletins as mandatory and issued German airworthiness directives 97–136, dated May 22, 1997; 97–330, dated November 20, 1997; and 97–323, dated November 20, 1997; in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

This airplane model is manufactured in Germany and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 50 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed inspection and application of sealant to the contact points, at an average labor rate of $60 per work hour. The cost of the sealant would be minimal. Based on this figure, the cost impact of the proposed inspection and modification on U.S. operators is estimated to be $120 per airplane.

It would take approximately 1 work hour per airplane to accomplish the proposed installation of a high capacity fuse on the circuit breaker panels, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on this figure, the cost impact of the proposed installation on U.S. operators is estimated to be $60 per airplane.

It would take approximately 5 work hours per airplane to accomplish the proposed replacement of the relays, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on this figure, the cost impact of the proposed replacement on U.S. operators is estimated to be $300 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Dornier Luftfahrt GmbH: Docket 98–NM–89–AD.

Applicability: Model 328–100 series airplanes equipped with circuit breaker panels 10VE up to and including serial number 131, and 11VE up to and including serial number 133; and Model 328–100 series airplanes, serial numbers 3005 through 3095 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent electrical short circuits of the contact points and power relays on the circuit breaker panels, which could result in increased risk of smoke and fire damage in the flight compartment, accomplish the following:

(a) For Model 328–100 series airplanes equipped with circuit breaker panels 10VE up to and including serial number 131, and 11VE up to and including serial number 133: Within 14 days after the effective date of this AD, perform a one-time visual inspection to detect discrepancies of circuit breaker panels 10VE and 11VE at the back lighting contact points, in accordance with Dornier Alert Service Bulletin ASB–328–31–016, dated April 2, 1997.

(1) If no discrepancy is detected, prior to further flight, modify the contact points by applying additional sealant in accordance with the alert service bulletin.

(2) If any discrepancy is detected, prior to further flight, replace the damaged circuit breaker panel with a new or serviceable panel and modify the contact points by applying additional sealant, in accordance with the alert service bulletin.

(b) For Model 328–100 series airplanes, serial numbers 3005 through 3095 inclusive: Within 90 days after the effective date of this AD, install a jiffy junction fitted with a high capacity fuse on circuit breaker panels 10VE and 11VE, in accordance with version 1 or version 2, as applicable, of the Accomplishment Instructions of Dornier Service Bulletin SB–328–31–226, including Price/Material Information Sheet, dated June 16, 1997.

(c) For Model 328–100 series airplanes, serial numbers 3005 through 3089 inclusive: Within 90 days after the effective date of this AD, replace relays 32HB and 36HB, part number (P/N) DON405M520U5NL, on relay panel 22VE with new relays, P/N 2504MY1, in accordance with Dornier Service Bulletin SB–328–21–218, including Price/Material Information Sheet, dated July 2, 1997.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in German airworthiness directives 97–136, dated May 22, 1997; 97–330, dated November 20, 1997; and 97–323, dated November 20, 1997.

Issued in Renton, Washington, on April 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–10485 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107, 108, and 139

[Docket Nos. 28979 and 28978]

RIN 2120–AD–46 and 2120–AD–45

Airport and Aircraft Operator Security; Notice of Public Meetings

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of reopening of the comment period and public meetings.

SUMMARY: This notice announces the reopening of the comment period and two public meetings on the notices of proposed rulemaking (NPRM), Airport Security (Parts 107 and 139), and Aircraft Operator Security (Part 108), published in the **Federal Register** on August 1, 1997. The comment period is being reopened and two public meetings are being held to provide an additional opportunity for the public to comment on the proposals.

DATES: The comment period will close on June 26, 1998. The public meetings will be held on May 21, 1998, at 9:00

a.m., in Washington, DC; and June 4, 1998, at 9:00 a.m., in Nashville, TN. Registration will begin at 8:30 a.m. on the day of the meeting at each location.

ADDRESSES: The public meetings will be held at the following locations:

(1) May 21, 1998, 9:00 a.m., Federal Aviation Administration, 3rd floor Auditorium, 800 Independence Ave., SW, Washington, DC 20591.

(2) June 4, 1998, 9:00 a.m., Days Inn Airport, #1 International Plaza, Salon E, Nashville, TN 37217, telephone number: (615) 361–7666.

Persons who are unable to attend the meetings may mail their comments on the NPRMs in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket (AGC–200), Docket Nos. 28979 (Parts 107 and 139), 28978 (Part 108), 800 Independence Ave., SW, Washington, DC 20591. Comments may also be sent electronically to the following internet address: 9–NPRM–CMTS@faa.dot.gov. Written comments to the docket will receive the same consideration as statements made at the public meetings. All comments should identify the regulatory docket number.

FOR FURTHER INFORMATION CONTACT: Requests to present a statement at the public meetings on the Airport Security (Parts 107 and 139) and Aircraft Operator Security (Part 108) NPRMs and questions regarding the logistics of the meetings should be directed to Elizabeth Allen, Federal Aviation Administration, Office of Rulemaking (ARM–105), 800 Independence Avenue, SW, Washington, DC 20591, telephone (202) 267–8199; fax (202) 267–5075.

Questions concerning the NPRM on Airport Security (Parts 107 and 139) should be directed to Bob Cammaroto, Office of Civil Aviation Security Policy and Planning, Civil Aviation Security Division (ACP–100), Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591; telephone (202) 267–7723.

Questions concerning the NPRM on Aircraft Operator Security (Part 108) should be directed to Rhonda Hatmaker, Office of Civil Aviation Security Policy and Planning, Civil Aviation Security Division (ACP–100), Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591; telephone (202) 267–9496.

SUPPLEMENTARY INFORMATION:

Participation at the Public Meetings on the NPRMs

Requests from persons who wish to present oral statements at the public meetings on the Airport Security and/or the Aircraft Operator Security proposals should be received by the FAA no later than May 15, 1998, for the Washington, DC meeting and no later than May 28, 1998, for the Nashville, TN meeting. Such requests should be submitted to Elizabeth Allen as listed in the section titled **FOR FURTHER INFORMATION CONTACT** and should include a written summary of oral remarks to be presented, the date of the meeting the requester wishes to address, and an estimate of time needed for the presentation. Requests received after the dates specified above will be scheduled if there is time available during the meeting; however, the names of those individuals may not appear on the written agenda. The FAA will prepare an agenda of speakers that will be available at the meetings. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested. Those persons desiring to have available audiovisual equipment should notify the FAA when requesting to be placed on the agenda.

Background

The FAA will conduct two public meetings on the recently published Airport Security (Parts 107 and 139) and Aircraft Operator Security (Part 108) proposed rules.

The notices of proposed rulemaking were published in the **Federal Register** on August 1, 1997 [62 FR 41760 (Parts 107 and 139), and 62 FR 41730 (Part 108)]. The NPRMs proposed to update the overall regulatory structure for airport and air carrier security.

The closing date for comments on these proposals is June 26, 1998. The FAA is planning these meetings to give the public an additional opportunity to comment on these proposed rules.

Persons interested in obtaining a copy of the Airport Security (Parts 107 and 139) and/or the Aircraft Operator Security (Part 108) proposed rules should contact Elizabeth Allen at the address or telephone number provided in **FOR FURTHER INFORMATION CONTACT.**

An electronic copy of these documents may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: (703) 321–3339) or the **Federal Register**'s electronic bulletin board service (telephone: (202) 512–1661).

Internet users may reach the FAA's webpage at http://www.faa.gov or the Federal Register's webpage at http://www.access.gpo.gov/su__docs to access recently published rulemaking documents.

Public Meeting Procedures

The following procedures are established to facilitate the public meetings on the NPRMs:

1. There will be no admission fee or other charge to attend or to participate in the public meetings. The meetings will be open to all persons who have requested in advance to present statements, or who register on the day of the meeting (between 8:30 a.m. and 9:00 a.m.) subject to availability of space in the meeting room.

2. The public meetings will adjourn after scheduled speakers have completed their statements.

3. The FAA will try to accommodate all speakers; therefore, it may be necessary to limit the time available for an individual or group.

4. Participants should address their comments to the panel. No individual will be subject to cross-examination by any other participant.

5. Sign and oral interpretation can be made available at the meetings, as well as an assistive listening device, if requested 10 calendar days before the meetings.

6. Representatives of the FAA will conduct the public meetings. A panel of FAA personnel involved in this issue will be present.

7. The meetings will be recorded by a court reporter. A transcript of the meetings and any material accepted by the panel during the meetings will be included in the public dockets [Docket No. 28979 (Parts 107 and 139), and Docket No. 28978 (Part 108)]. Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly. This information will be available at the meetings.

8. The FAA will review and consider all material presented by participants at the public meetings. Position papers or material presenting views or information related to the proposed NPRMs may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. The FAA requests that persons participating in the meetings provide 10 copies of all materials to be presented for distribution to the panel members; other copies may be provided to the audience at the discretion of the participant.

9. Statements made by members of the public meetings panel are intended to facilitate discussion of the issues or to clarify issues. Because the meetings concerning the Airport Security (Parts 107 and 139) and Aircraft Operator Security (Part 108) are being held during the comment period, final decisions

concerning issues that the public may raise cannot be made at the meetings. Federal Aviation Administration officials may, however, ask questions to clarify statements made by the public and to ensure a complete and accurate record. Comments made at these public meetings will be considered by the FAA when deliberations begin concerning whether to adopt any or all of the proposed rules.

10. The meetings are designed to solicit public views and more complete information on the proposed rule. Therefore, the meetings will be conducted in an informal and nonadversarial manner.

(49 U.S.C. 106(g), 5103, 40113, 40119, 44701–44702, 44706, 44901–44905, 44907, 44913–44914, 44932, 44935–44936, 46105).

Issued in Washington, DC on April 14, 1998.

Ida M. Klepper,

Acting Director, Office of Rulemaking.

[FR Doc. 98–10563 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–39858; IC–23112; IA–1716; File No. S7–7–98]

RIN 3235–AH36

Reports to be Made by Certain Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Securities and Exchange Commission is extending the comment period for a release proposing temporary rule amendments under the Securities Exchange Act of 1934 (Release No. 34–39724) which was published in the **Federal Register** on March 12, 1998 (63 FR 12056). The comment period for Release Nos. 34–39724; IC–23059; IA–1704, is being extended to April 27, 1998.

DATES: Comments should be received on or before April 27, 1998.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission (''Commission''), 450 Fifth Street, N.W., Washington, D.C. 20549. Comments also may be submitted electronically at the following E-mail address: rule-comments@sec.gov. Comment letters should refer to File No. S7–7–98; this file number should be included on the subject line if E-mail is used. All comments received will be available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Electronically submitted comment letters will be posted on the Commission's Internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Associate Director, 202/942–0132; Lester Shapiro, Senior Accountant, 202/942–0757; or Christopher M. Salter, Staff Attorney, 202/942–0148, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 2–2, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On March 5, 1998, the Commission issued for comment Release No. 34–39724; IC–23059; IA–1704 soliciting comment on temporary rule amendments to Rule 17a–5 under the Securities Exchange Act of 1934 that would require certain broker-dealers to file with the Commission and their designated examining authority two reports regarding Year 2000 compliance. The reports would enable the Commission staff to report to Congress in 1998 and 1999 regarding the industry's preparedness; supplement the Commission's examination module for Year 2000 issues; help the Commission coordinate self-regulatory organizations on industry-wide testing, implementation, and contingency planning; and help increase broker-dealer awareness that they should be taking specific steps now to prepare for the Year 2000. Additionally, the Commission issued an advisory notice on its books and records rules relating to the Year 2000.

The Commission has recently received requests from interested persons to extend the comment period for this release. The Commission believes that extending the comment period is appropriate in order to give the public additional time to comment on the matters the release addresses. Therefore, the comment period is extended from April 13, 1998, to April 27, 1998.

Dated: April 14, 1998.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10417 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 291

RIN 1076–AD87

Class III Gaming Procedures

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: This notice extends the comment period for the proposed rule published at 63 FR 3289, Jan. 22, 1998, on Class III gaming procedures.

DATES: Comments must be received on or before June 22, 1998.

ADDRESSES: Mail comments to Paula Hart, Indian Gaming Management Staff Office, Bureau of Indian Affairs, 1849 C Street NW, MS 2070–MIB, Washington, DC 20240. Comments may be hand delivered to the same address from 9 a.m. to 4 p.m. Monday through Friday or sent by facsimile to 202–273–3153. Comments will be made available for public inspection at this address from 9 a.m. to 4 p.m. Monday through Friday beginning approximately two weeks after publication of the proposed rule.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Indian Gaming Management Staff Office, at 202–219–4068.

SUPPLEMENTARY INFORMATION: On Thursday, January 22, 1998, the Bureau of Indian Affairs published a proposed rule, 63 FR 3289, concerning Class III Gaming Procedures. The deadline for receipt of comments was April 22, 1998. The comment period is extended for sixty days to allow additional time for comment on the proposed rule. Comments must be received on or before June 22, 1998.

Dated: April 10, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–10459 Filed 4–20–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–208299–90]

RIN 1545–AP01

Allocation and Sourcing of Income and Deductions Among Taxpayers Engaged in a Global Dealing Operation; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections, including a change to the date of the public hearing, to the notice of proposed rulemaking (REG–208299–90) which was published in the **Federal Register** on Friday, March 6, 1998 (63 FR 11177). The notice of proposed rulemaking relates to the allocation among controlled taxpayers and sourcing of income, deductions, gains and losses from a global dealing operation; rules applying these allocation and sourcing rules to foreign currency transactions and to foreign corporations engaged in a U.S. trade or business; and rules concerning the mark-to-market treatment resulting from hedging activities of a global dealing operation.

DATES: The public hearing originally scheduled for July 9, 1998, has been rescheduled for July 14, 1998.

ADDRESSES: The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ginny Chung, (202) 622–3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is subject to these corrections is under sections 482 and 864 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking (REG–208299–90) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG–208299–90) which is the subject of FR Doc. 98–5674 is corrected as follows:

1. On page 11182, column 2, in the preamble under the heading ''K. Source of Global Dealing Income'', in the second paragraph, line 5, the language ''§ 1.863–3 which sources income from a'' is corrected to read ''§ 1.863–3(h) which sources income from a''.

2. On page 11185, column 2, in the preamble under the heading ''Comments and Public Hearing'', in the second paragraph, line 2, the language ''for July 9, 1998, at 10 a.m. in room 2615,'' is corrected to read ''for July 14, 1998, at 10 a.m. in room 2615,''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 98–10381 Filed 4–20–98; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA 66–7141a; FRL–5998–2]

Approval and Promulgation of State Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve several minor revisions to the state of Washington Implementation Plan (SIP). Pursuant to section 110(a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (Ecology) submitted a request to EPA dated December 30, 1997, to revise certain regulations of a local air pollution control agency, namely, the Puget Sound Air Pollution Control Agency (PSAPCA). In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by May 21, 1998.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ–107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101. The State of Washington Department of Ecology, P.O. Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Washington Operations Office, EPA, 300 Desmond Drive, Suite #102, Lacey, Washington 98503, (360) 753–9079.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: April 6, 1998.

Chuck Clarke,

Regional Administrator, Region X.

[FR Doc. 98–10400 Filed 4–20–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–42187N; FRL–5780–6]

RIN 2070–AC76

Amended Proposed Test Rule for Hazardous Air Pollutants; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended proposed rule; extension of comment period.

SUMMARY: EPA is proposing additional amendments to the proposed test rule (61 FR 33178, June 26, 1996, as amended at 62 FR 67466, December 24, 1997) that was issued under section 4(a) of the Toxic Substances Control Act (TSCA) that would require manufacturers (including importers) and processors to test the hazardous air pollutants (HAPs) specified in the amended proposed test rule for certain health effects. This second amended proposed test rule modifies the provisions identifying the persons that would be required to test under the HAPs rule, and provides additional guidance to persons in determining what their responsibilities would be

under the rule. In addition, EPA is extending the public comment period in order to provide interested persons with sufficient time to consider the changes described in this proposed rule and to comment accordingly.

DATES: Written comments on this proposed rule must be received by EPA on or before June 22, 1998. The public comment period on the June 26, 1996, proposed rule and the December 24, 1997, amended proposed rule is being extended from May 11, 1998 to June 22, 1998.

ADDRESSES: Submit three copies of written comments on the second amended proposed HAPs test rule, identified by document control number (OPPTS–42187A; FRL–4869–1) to: U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics (OPPT), Document Control Office (7407), Rm. G–099, 401 M St., SW., Washington, DC 20460. See Unit IV. of this preamble for further instructions. The Document Control Office telephone number is (202) 260–7093.

Comments and data may also be submitted electronically to oppt.ncic@epamail.epa.gov. Follow the instructions under Unit IV. of this document. No confidential business information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: For general information: Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. ET–543B, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554–1404; TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov. For technical information: Richard W. Leukroth, Jr. , Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460; telephone: (202) 260–0321; fax: (202) 260–1096; e-mail: leukroth.rich@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Electronic Availability:

Internet: Electronic copies of this document and various support documents are available from the EPA Home Page at the **Federal Register**—Environmental Document service entry for this document under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/EPA–TOX/1998/).

Fax-On-Demand: Using a faxphone call 202–401–0527 and select item 4640 for an index of available material and corresponding item numbers related to this document.

II. Background

On June 26, 1996 (61 FR 33178), EPA issued a proposed test rule under TSCA section 4(a), 15 U.S.C. 2603(a), (the ''original HAPs proposal'') to require health effects testing of the following hazardous air pollutant chemicals: 1,1'-biphenyl (CAS No. 92–52–4), carbonyl sulfide (CAS No. 463–58–1), chlorine (CAS No. 7782–50–5), chlorobenzene (CAS No. 108–90–7), chloroprene (CAS No. 126–99–8), *ortho*-cresol (CAS No. 95–48–7), *meta*-cresol (CAS No. 108–39–4), *para*-cresol (CAS No. 106–44–5), diethanolamine (CAS No. 111–42–2), ethylbenzene (CAS No. 100–41–4), ethylene dichloride (CAS No. 107–06–2), ethylene glycol (CAS No. 107–21–1), hydrochloric acid (CAS No. 7647–01–0), hydrogen fluoride (CAS No. 7664–39–3), maleic anhydride (CAS No. 108–31–6), methyl isobutyl ketone (CAS No. 108–10–1), methyl methacrylate (CAS No. 80–62–6), naphthalene (CAS No. 91–20–3), phenol (CAS No. 108–95–2), phthalic anhydride (CAS No. 85–44–9), 1,2,4-trichlorobenzene (CAS No. 120–82–1), 1,1,2-trichloroethane (CAS No. 79–00–5), and vinylidene chloride (CAS No. 75–35–4). The proposal also invited the submission of proposals for enforceable consent agreements (ECAs) for the HAPs chemicals which would include pharmacokinetics (PK) studies (61 FR 33178, 33189).

The deadline for written comments on the proposed HAPs test rule contained in the June 26, 1996 **Federal Register** proposal was December 23, 1996. EPA has successively extended the comment period on this proposed rule as follows: on October 18, 1996 (61 FR 54383) (FRL–5571–3), the comment period was extended from December 23, 1996 to January 31, 1997; on December 23, 1996 (61 FR 67516) (FRL–5580–6), it was extended from January 31, 1997 to March 31, 1997; on February 28, 1997 (62 FR 9142) (FRL–5592–1), it was extended from March 31, 1997 to April 30, 1997; on March 28, 1997 (62 FR 14850) (FRL–5598–4), it was extended from April 30, 1997 to June 30, 1997; on May 30, 1997 (62 FR 29318) (FRL–5831–6), it was extended from June 30, 1997 to August 15, 1997; on July 15, 1997 (62 FR 37833) (FRL–5732–2), it was extended from August 15, 1997 to September 30, 1997; on September 26, 1997 (62 FR 50546) (FRL–5748–8), it was extended from September 30, 1997 to December 1, 1997; on November 28, 1997 (62 FR 63299) (FRL–5759–2), it was extended from December 1, 1997 to January 9, 1998; and on February 5, 1998 (63 FR 5915)(FRL–5769–3), it was extended from January 9, 1998 to May 11, 1998. These extensions to the comment period were necessary to allow the Agency more time to finalize eleven TSCA health effects test guidelines to be cross-referenced in the amended HAPs test rule proposal, and to respond to the ECA proposals for PK studies submitted by industry.

An amended proposed HAPs test rule was published on December 24, 1997 (62 FR 67466) (FRL–5742–2) (the ''first amended proposal'') that: Used test guidelines codified at 40 CFR part 799, subpart H; removed the testing requirements for phenol; specified export notification requirements; reviewed the status of proposals for PK ECAs and invited ECA proposals for all HAPs chemicals for which proposals had not yet been received; discussed revisions to the economic assessment; referenced additional support documents in the rulemaking record; described modifications to the ''Persons Required To Test'' portion of the proposed rule; and made other changes and clarifications to the original proposal. The amended proposed HAPs test rule extended the comment period from January 9, 1998 to February 9, 1998. On February 5, 1998 (63 FR 5915)(FRL–5769–3), the comment period was extended from February 9, 1998 to May 11, 1998. This extension was granted by the Agency in response to requests by the public for additional time in which to fully consider the changes effected by the first amended proposal and to adjust industry alliances. Also, in this document, the Agency clarified the ''Persons Required To Test'' section of the amended proposed HAPs preamble and the corresponding proposed regulatory text.

In this second amended proposal, EPA is modifying the provision regarding the persons that would be required to test under the HAPs rule and is providing additional information to persons to assist them in determining what their responsibilities would be under the rule. The Agency is also extending the public comment period on the amended HAPs proposed rule from May 11, 1998 to June 22, 1998. This extension is needed to provide commenters with sufficient time to consider the changes described in this proposed rule, and to comment accordingly.

For all aspects of the first amended HAPs test rule proposal that are not addressed by this second amendment to the HAPs proposal, the discussion in the preamble of the first amended HAPs test rule proposal continues to apply.

III. Modifications and Clarifications

EPA is proposing to modify Unit III.C., the ''Persons Required To Test'' portion of the preamble to the first amended proposed rule (62 FR 67466, 67469–72) and the corresponding section in the proposed regulatory text at 40 CFR 799.5053(a)(2), ''Persons required to submit study plans, conduct tests, and submit data'' (62 FR 67466, 67481). The Agency is also proposing to modify the clarification contained in the document published at 63 FR 5915, February 5, 1998, and is requesting comment on the modification. In addition, EPA is making clarifications concerning the physical states of the HAPs chemicals that are covered under the proposal, as amended. The clarifications and modifications are described in detail below.

A. Timeframe During Which Persons Would Be Subject to the Rule

The original HAPs proposal stated that persons who manufacture (including import) or process, or who intend to manufacture (including import) or process, any of the HAPs chemicals included in the rule, other than as an impurity, would be subject to the rule (61 FR 33178, 33189). The original proposal did not distinguish among persons subject to the rule based on low-volume production beyond the provisions of 40 CFR 790.42(a). The regulations at 40 CFR 790.42(a) provide that, while legally subject to a test rule, processors, persons who manufacture less than 500 kg (1,100 lbs) of the chemical annually, and persons who manufacture small quantities of the chemical solely for research and development, are not required to comply with the rule unless directed to do so by EPA in a subsequent **Federal Register** document if no manufacturer has submitted a notice of its intent to conduct testing. Under the original HAPs proposal, all other manufacturers (including importers) of HAPs chemicals would have been required to comply with the rule when promulgated (''initially comply'') (61 FR 33178, 33189–33190).

In the first amended HAPs proposal, EPA specified the timeframe during which manufacturing and processing volume calculations would be made to determine who would be subject to the rule (both those who would have to initially comply and others). EPA stated in the preamble and in the proposed regulatory text (40 CFR 799.5053 (a)(2)(ii), (a)(2)(iv), and (a)(2)(v)) that this timeframe consisted of the last complete corporate fiscal year prior to the publication of the final rule (62 FR 67466, 67470, 67481). EPA now proposes that the timeframe be changed to the last complete calendar year prior to the publication of the final rule or any successive complete calendar year prior to the end of the reimbursement period, as defined in 40 CFR 791.3(h). The Agency would base its determination concerning which persons would be subject to the rule on the amount of manufacturing (including importing) or processing of a HAP chemical at a facility during the last complete calendar year prior to the publication of the final rule or during any complete calendar year until the expiration of the rule at the end of the reimbursement period. In the past, EPA has covered persons under test rules where they manufactured (including imported) or processed a test rule chemical between the effective date of the rule and the end of the reimbursement period. See, e.g., 40 CFR 799.1053(b)(1); 40 CFR 799.1560(b); 40 CFR 799.1575(b); 40 CFR 799.1645(b); 40 CFR 799.1700(b); 40 CFR 799.2155(b). The Agency believes that determining which persons would be subject to the test rule based on the period during which the rule is in effect is more appropriate for purposes of obtaining the needed testing and reimbursement than restricting the timeframe to one year alone, as would have been the result under the first amended proposal.

EPA is proposing to use the calendar year as the time period within which to measure chemical manufacturing (including importing) and processing rather than the corporate fiscal year as a more convenient time period for potentially regulated persons to determine whether they are subject to the rule. This approach would be consistent with reporting requirements in other regulations, such as the Toxic Release Inventory reporting regulations (40 CFR 372.30(a)), under the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. 11023. EPA invites comment on this modification to the ''Persons Required To Test'' provisions of the first amended proposed rule.

B. Threshold and De Minimis Provisions

As EPA discussed in its clarification of February 5, 1998 (63 FR 5915, 5917), the language in both the preamble and proposed regulatory text of § 799.5053 of the first amended proposal that indicates what persons would be subject to the HAPs test rule and when they would have to comply is ambiguous.

Those persons who would be required to initially comply with the HAPs rule are: Any person who, during the last complete calendar year prior to the publication of the final rule in the **Federal Register**, and any person who, in any successive complete calendar year prior to the end of the reimbursement period, manufactures (including imports) at a particular facility any of the HAPs chemicals included in the first amended proposed rule in an amount of 25,000 lbs or more (regardless of the form of the HAP chemical, e.g., as a Class 1 substance, as a component of a mixture, as a byproduct, as an impurity, as a component of a Class 2 substance, or as an isolated intermediate). ''Naturally occurring substances,'' as described at 40 CFR 710.4(b), and non-isolated intermediates, as defined at 40 CFR 704.3, are not to be considered in determining whether a person is responsible for HAP chemical testing. In determining whether the 25,000 lbs threshold has been met for a particular HAP chemical, persons are not to take into account the amount of a HAP chemical that is manufactured (including imported) as a component of a chemical substance or mixture at a concentration of less than 1 percent by weight of the chemical substance or mixture.

For example, if a person manufactures 9,000,000 lbs of a petroleum refinery stream during a given calendar year at a particular facility, 30,000 lbs of which is a HAP chemical that is a component of the stream, that person would not take into account this amount of HAP chemical when determining whether the 25,000 lbs threshold has been met for the year at that facility because the HAP chemical component consists of less than 1 percent by weight of the total stream. Similarly, if a person manufactures 500,000 lbs of a complex mixture during a given calendar year at a facility, 10,000 lbs of which is a HAP chemical byproduct that is a component of the complex mixture, that person would not be required to initially comply with the rule on the basis of its manufacture of the HAP chemical in the complex mixture alone. This result is due to the fact that, although the HAP chemical component consists of at least 1 percent by weight of the total complex mixture, the total amount of HAP chemical manufactured at that facility is less than 25,000 lbs. (Note that his answer assumes that the person is not manufacturing the same HAP in other forms at the same facility.) In this second amended proposal, EPA is proposing regulatory language (40 CFR 799.5053 (a)(2)(ii) and (a)(2)(iv)) that would replace the language that was proposed in the first amended proposed

rule at 40 CFR 799.5053 (a)(2)(ii), (a)(2)(iv) and (a)(2)(v) (62 FR 67466, 67481).

C. Physical State of Chemical

EPA is clarifying that the persons that would be subject to the proposed HAPs test rule, as amended, are those who manufacture (including import) or process a chemical included in the proposed rule, as amended, in any physical state (i.e., solid, liquid, or gas). Persons should refer to the Chemical Abstracts Service Registry Numbers in the proposed rule, as amended, to determine which chemicals would be covered under the rule.

IV. Public Record and Electronic Submissions

The official record for this rulemaking, including the public version, which does not include any information claimed as CBI, has been established for this rulemaking under document control number (OPPTS–42187A; FRL–4869–1). This docket also includes all material and submissions filed under docket number OPPTS–42193 (FRL–5719–5), the record for the rulemaking for the TSCA test guidelines, and all material and submissions filed under docket number OPPTS–42187B (FRL–4869–1), the record for the receipt of proposals for developing ECAs for alternative testing of HAPs chemicals. This record contains the basic information considered by EPA in developing this second amended proposed rule and appropriate **Federal Register** documents. The public version of this record, including printed, paper versions of electronic comments, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by document control number (OPPTS–42187A; FRL–4869–1). Electronic comments on this second amended proposal may be filed online at many Federal Depository Libraries.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will make the information available to the public without further notice to the submitter. No CBI should be submitted electronically.

V. Regulatory Assessment Requirements

EPA's analysis in the first amended proposed rule of the regulatory assessment requirements for the HAPs rulemaking (62 FR 67466, 67477–81) is not altered by the amendments proposed in this second amended proposed rule. The discussion provided in the first amended proposed rule regarding the applicable regulatory assessment requirements is still applicable. This second amended proposed rule includes new sections to address the requirements of Executive Order 12875 and the National Technology Transfer Advancement Act.

A. Economic Assessment

In conjunction with the issuance of the first amended HAPs proposal, EPA prepared a revised economic assessment entitled ''Economic Assessment for the Amended Proposed TSCA Section 4(a) Test Rule for 21 Hazardous Air Pollutants,'' OPPT/EETD/EPAB, November 14, 1997. (See document referenced in Unit V.H.1 of the preamble to the first amended HAPs proposal (62 FR 67466, 67476), located in the docket for this rulemaking). This report evaluates the potential for significant economic impacts as a result of the testing on the HAPs chemicals required under the first amended HAPs proposal, which is identical to the testing required under this second amended HAPs proposal. Although the number of manufacturers (including importers) and processors subject to the HAPs test rule under the second amended proposal may be greater than under the first amended proposal, the conclusions of the economic assessment are not affected. The economic assessment analyzes the economic effect of testing on a chemical-by-chemical basis by comparing unit test costs to the chemical sales price. (The analysis for carbonyl sulfide is similar, but uses the sales price of a related chemical. See U.S. EPA, ''Economic Assessment for the Amended Proposed TSCA Section 4(a) Test Rule for 21 Hazardous Air Pollutants.'') This measure of economic impact depends on total annualized test costs, total supply of the chemical, and the sales price of the chemical (none of which is affected by the second amended HAPs proposal). This measure is unrelated to the number of persons subject to the rule. Therefore, the Agency continues to believe that the HAPs test rule, if finalized according to this second amended proposal, will not impose any significant economic impact.

B. Executive Order 12866 and Executive Order 12898; Unfunded Mandates Reform Act; Executive Order 12875

Because the overall costs associated with testing under this second amended HAPs proposal are expected to be the same as those associated with testing under the first amended proposal, the second amended proposal does not contain any provisions that would require additional consideration by the Office of Management and Budget (OMB) under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993) or Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994). Similarly, the second amended proposal does not require any actions under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). The Agency's activities related to these regulatory assessment requirements are discussed in the original proposed rule (61 FR 33178, 33195–96). In addition, the obligations imposed by Executive Order 12875, entitled ''Enhancing the Intergovernmental Partnership'' (58 FR 58093, October 28, 1993) are addressed in the discussion of UMRA in the original proposed rule (61 FR 33178, 33196).

C. Regulatory Flexibility Act

For the original proposed HAPs test rule, EPA determined under section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, that the HAPs test rule, if finalized as proposed, would not result in a significant impact on small businesses. See Unit XI.B. of the preamble to the original HAPs proposal (61 FR 33178, 33196). An additional document was prepared under the first amended proposal to provide information on small entity impacts. (See document referenced at

Unit V.H.3 of the preamble to the first amended HAPs proposal (62 FR 67466, 67476–77)). The analysis contained in that document, which is in the record for this proposed rule, also applies to this second amended proposed rule. This analysis used the most recent single year of data available at the time of the analysis to provide further information on the potential economic impact of the proposed test rule on small entities. EPA believes that these data are representative of the universe of manufacturers and importers of the HAPs chemicals that would be subject to the second amended proposed rule.

As indicated in the first amended proposal (62 FR 67466, 67479), EPA does not believe that the impacts described in the analysis constitute a significant economic impact on a substantial number of small entities. The analysis states that the worst-case estimate shows that, on a HAP chemical by HAP chemical basis, a total of 8 manufacturers/importers (out of 365 manufacturers/importers initially burdened) may be affected by the rule. No manufacturers/importers for whom revenue data were available would be impacted by test costs that exceed 1 percent of their sales. For 8 manufacturers/importers whose revenues could not be determined, the size of the testing burden could not be determined and, therefore, the potential for impacts at greater than 1 percent of sales could not be ruled out. Nevertheless, in this context the rule would not likely have a significant economic impact on a substantial number of small entities because any impacts of 1 percent or greater would affect fewer than 100 small entities. While some small entities not identified in EPA's analysis may become subject in subsequent years as a result of the changes made in the second amended HAPs proposal, EPA believes that it is unlikely that sufficient numbers of small entities would begin manufacturing or importing the HAPs chemicals in sufficient amounts to alter the conclusions of this analysis.

Therefore, the Agency continues to certify that the HAPs test rule, if finalized according to this second amended proposal, will not have a significant economic impact on a substantial number of small entities.

Any comments regarding the impacts that this proposed rule may impose on small entities should be transmitted to the Agency in the manner specified under ''ADDRESSES'' at the beginning of this document.

D. Paperwork Reduction Act

The information collection requirements associated with test rules under TSCA section 4(a) in general have been approved by OMB pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* (PRA), under OMB control number 2070–0033 (EPA Information Collection Request (ICR) No. 1139). The information collection requirements contained in this second amended proposed rule, however, are not effective until the final rule is published, at which point the total estimated burden hours will be added to the total burden approved by OMB under control number 2070–0033. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9.

The list of public reporting burdens for the collection of information for chemical substances under the first amended proposed HAPs test rule, as well as the figures for the total public reporting burden and the overall average per chemical (see Unit VI.D. of the preamble, ''Paperwork Reduction Act,'' 62 FR 67466, 67479–80), were different from the figures used in the original HAPs proposal (see Unit XI.C. of the preamble, ''Paperwork Reduction Act,'' 61 FR 33178, 33196). However, the public reporting burdens under the first amended proposed HAPs test rule and the second amended proposed HAPs test rule are anticipated by EPA to be the same. The burdens calculated for the first amended proposal were based on the tests required for each chemical. The testing requirements are not changed by the second amended proposed rule.

Comments are requested on the Agency's need for the information set out in the first amended HAPs proposal, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments to EPA as part of your overall comments on this proposed rule in the manner specified under ''ADDRESSES'' at the beginning of this document, or to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (Mail Code 2137), 401 M Street, SW., Washington, DC 20460, with a copy to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., N.W., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Please remember to include the OMB control number in any correspondence. In developing the final rule, the Agency will address any comments received regarding the information collection requirements contained in this proposal, as amended.

E. Executive Order 13045

As stated in the first amended HAPs proposal (62 FR 67466, 67480–81), the proposed HAPs test rule does not require special consideration by OMB pursuant to the terms of Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997).

F. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. No. 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

EPA is required under section 4 of TSCA to impose prescriptive test requirements in test rules developed under section 4 and to review their adequacy periodically. The testing that would be required under this rulemaking would be conducted according to enforceable test standards based on the health effects test guidelines (40 CFR part 799, subpart H) that are cross-referenced in the first amended HAPs proposal (62 FR 67466, 67467–67469, December 24, 1997). These guidelines are based on harmonized guidelines that were developed through a process that included informal opportunity for public input, and that are, in some cases, internationally accepted. The guidelines were issued on August 15, 1997 (62 FR 43820). Both the August 15, 1997 and the December 24, 1997 **Federal Register** documents discuss the background to the guidelines.

The acute testing guideline is modified in the proposed regulatory text at § 799.5053(b)(2) (62 FR 67466, 67484–

67485) to require the appraisal of pulmonary irritation during exposure to a HAP chemical through the use of the mouse respiratory sensory irritation assay method developed by the American Society for Testing and Materials (ASTM), a voluntary consensus standard body (ASTM. ''Standard Test Method for Estimating Sensory Irritancy of Airborne Chemicals'' In: 1984 Annual Book of ASTM Standards. Water and Environmental Technology. Section 11. Volume 11.04 Designation E–981–84, pp. 572–584 (1984)). This method assesses the breathing patterns of test animals.

The testing of bronchoalveolar lavage fluid under the subchronic testing guideline is modified as described in the proposed regulatory text at § 799.5053(b)(3)(ii) (62 FR 67466, 67485) to include a phagocytosis assay using the procedure of Burleson (Burleson, G.R. et al. ''Poly (I): poly (C)-enhanced alveolar peritoneal macrophage phagocytosis: Quantification by a new method utilizing fluorescent beads.'' Proceedings of the Society for Experimental Biology and Medicine. 184:468–476 (1987)) or Gilmour and Selgrade (Gilmour, G.I., and Selgrade, M.K. ''A Comparison of the Pulmonary Defenses against Streptococcal Infection in Rats and Mice Following O3 Exposure: Differences in Disease Susceptibility and Neutrophil Recruitment.'' Toxicology and Applied Pharmacology. 123:211–218 (1993)) to determine macrophage activity.

EPA is not aware of any other potentially applicable voluntary consensus standards which needed to be considered in lieu of the guidelines at 40 CFR part 799, subpart H, that are cross-referenced in this rulemaking. The Agency invites comment on the potential use of voluntary consensus standards in this rulemaking, including the identification of and information about other standards which the Agency could consider.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: April 13, 1998.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Accordingly, EPA is extending the comment period on the proposed rule and the first amended proposed rule from May 11, 1998 to June 22, 1998.

Therefore, it is proposed that 40 CFR chapter I, subchapter R, be amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 would continue to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5053, as proposed to be added at 62 FR 67481–67485, December 24, 1997, is amended by revising paragraphs (a)(2)(ii) and (a)(2)(iv) and removing paragraph (a)(2)(v) as follows:

(*Note:* The regulatory text changes proposed in this second amended proposal supersede the corresponding changes proposed in the first amended proposal. All other regulatory text changes proposed in the first amended proposal that are not changed by this second amended proposal continue to apply to this rulemaking.)

§ 799.5053 Chemical testing requirements for hazardous air pollutants.

(a) *General testing provisions.* * * *

* * * *

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(2) *Persons required to submit study plans, conduct tests, and submit data.* * * *

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(ii) All persons who, during the last complete calendar year prior to the effective date specified in Table 1 in paragraph (a)(6) of this section or in any successive complete calendar year prior to the end of the reimbursement period, as defined at 40 CFR 791.3(h), manufacture (including import, manufacture as a byproduct as defined in 40 CFR 791.3(c), and manufacture, including import, as an impurity as defined in 40 CFR 790.3) or process or intend to manufacture or process any chemical substance specified in Table 1 in the form of a Class 1 substance (as described in 40 CFR 720.45(a)(1)(i)), or a component of a Class 2 substance (as described in 40 CFR 720.45(a)(1)(i)) or mixture (as defined in TSCA section 3(8)), but not as a component of a naturally-occurring substance (as defined in 40 CFR 710.4(b)) or a non-isolated intermediate (as defined in 40 CFR 704.3), at a facility shall, with respect to such substance: submit letters of intent to conduct testing, submit study plans, conduct testing under TSCA Good Laboratory Practice Standards, and submit data, as specified in this section and part 792 of this chapter, or submit exemption applications, as specified in part 790 of this chapter.

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(iv) Manufacturers (including importers) of a chemical substance specified in Table 1 who, during the last complete calendar year prior to the effective date specified in Table 1 or in any successive complete calendar year prior to the end of the reimbursement period, at no facility manufactured (including imported) such substance in an amount equal to or in excess of 25,000 lbs must comply with the requirements of the rule with regard to such substance only if directed to do so by EPA in a subsequent notice if no manufacturer has submitted a notice of its intent to conduct testing. A chemical substance specified in Table 1 that is manufactured (including imported) as a component of another chemical substance or mixture in which the proportion of the substance specified in Table 1 is less than one percent by weight is not to be taken into account in determining whether the 25,000 lbs threshold specified in this paragraph has been met.

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[FR Doc. 98–10494 Filed 4–20–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–50, RM–9247]

Radio Broadcasting Services; Healdton, OK, Krum, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Lake Country Communications, Inc., seeking the substitution of Channel 229C3 for Channel 229C2 at Healdton, OK, the reallotment of Channel 229C3 to Krum, TX, as the community's first local aural service, and the modification of Station KICM's license to specify Krum as its community of license. Channel 229C3 can be allotted to Krum in compliance with the Commission's minimum distance separation requirements with a site restriction of 22.3 kilometers (13.9 miles) northeast of the community, at coordinates 33–26–34 North Latitude; 97–08–08 West Longitude, to accommodate petitioner's desired transmitter site.

DATES: Comments must be filed on or before June 1, 1998, and reply comments on or before June 16, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert Lewis Thompson, Taylor Thiemann & Aitken, L.C., 908 King Street, Suite 300, Alexandria, VA 22314 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–50, adopted April 1, 1998, and released June 16, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–10522 Filed 4–20–98; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–51; RM–9241]

Radio Broadcasting Services; Salmon, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Alpine Broadcasting, Ltd., seeking the allotment of Channel 233A to Salmon, Idaho, as that community's second local FM transmission service. Coordinates used for this proposal are 45–10–30 NL and 113–53–42 WL.

DATES: Comments must be filed on or before June 1, 1998, and reply comments on or before June 16, 1998.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Theodore D. Kramer, Esq., Haley Bader & Potts P.L.C., Suite 900, 4350 North Fairfax Drive, Arlington, VA 22203–1633.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–51, adopted April 1, 1998, and released April 10, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–10521 Filed 4–20–98; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–49, RM–9248]

Radio Broadcasting Services; Las Vegas, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by BK Radio proposing the allotment of Channels 268A and 275A to Las Vegas, NM, and the modification of its pending application (BPH-960829MH) for Channel 244A at Las Vegas to specify the alternate channel without loss of its cut-off protection. The Commission also proposes that the pending application (BPH–960829MG) of Meadows Media, LLC, be amended to specify operation on Channel 275A without loss of cut-off protection. These allotments could enable the initiation of additional service at an earlier date by removing the need for comparative consideration of the three pending applications for Channel 244A at Las Vegas. Should another party express an interest in use of a Class A channel at Las Vegas, Channel 224A is available for allotment. Channels 268A and 275A can be allotted in compliance with the Commission's minimum distance separation requirements, with a site restriction of 3.9 kilometers (2.4 miles) west of the Commission, at coordinates 35–36–16 NL; 105–15–35 WL, which is the site proposed in the pending applications of BK Radio and Meadows Media. Channel 224A can be allotted to Las Vegas without the imposition of a site restriction, at coordinates 35–36–00 NL; 105–13–00 WL.

DATES: Comments must be filed on or before June 1, 1998, and reply comments on or before June 16, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lee J. Peltzman, Shainis & Peltzman, 1901 L Street, NW., Suite 290, Washington, D.C. 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–49, adopted April 1, 1998, and released April 10, 1998. The full text of

this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–10520 Filed 4–20–98; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–179, RM–9064]

Radio Broadcasting Services; Old Forge and Newport Village, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on the proposed allotment of Channel 223A to Old Forge, NY, as the community's second local FM service as requested by 21st Century Radio Ventures, Inc., in response to the *Notice of Proposed Rule Making* in this proceeding. *See* 62 FR 44435, August 21, 1997. Channel 223A can be allotted to Old Forge in compliance with the Commission's minimum distance separation requirements with regard to all domestic allotments without the imposition of a site restriction, at coordinates 43–42–42 North Latitude; 74–58–24 West Longitude. The allotment is short-spaced to Station KFQR-FM, Channel 223C1, Montreal, Quebec, Canada. Therefore, since Old Forge is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence in this allotment as a specially negotiated short-spaced allotment will be requested from the Canadian government.

DATES: Comments must be filed on or before June 1, 1998, and reply comments on or before June 16, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James L. Primm, President and Counsel, 21st Century Radio Ventures, Inc., 530 Wilshire Blvd., Suite 301, Santa Monica, CA 90401 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Further Notice of Proposed Rule Making, MM Docket No. 97–179, adopted April 1, 1998, and released April 10, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–10519 Filed 4–20–98; 8:45 am]

BILLING CODE 6712–01–F

Notices

Federal Register
Vol. 63, No. 76
Tuesday, April 21, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Conservation Farm Option Pilot Programs

AGENCY: Commodity Credit Corporation, United States Department of Agriculture.

ACTION: Notice of Request for Proposals (RFP) to establish Conservation Farm Option (CFO) Pilot Programs.

SUMMARY: Section 335 of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act) established the Conservation Farm Option (CFO) Pilot Programs. The Commodity Credit Corporation (CCC) administers the CFO under the general supervision of a Vice President of the CCC who is the Chief of the Natural Resources Conservation Service (NRCS), with concurrence throughout the process by the Executive Vice President of the CCC who is the Administrator of the Farm Service Agency (FSA). CCC is requesting proposals from individuals, States or subdivisions thereof, Tribes, universities, and other organizations to cooperate in the development and implementation of CFO pilot programs for producers of wheat, feed grains, upland cotton, and rice.

DATES: Proposals must be received by June 1, 1998.

ADDRESSES: Please send proposals to one of the following individuals: Gary Nordstrom, Director, Conservation Operations Division, Natural Resources Conservation Service, P.O. Box 2890, Attention CFO, Washington, DC 20013–2890; or George T. Denley, Director, Conservation and Environmental Programs Division, Farm Service Agency, Mail Stop 0513, 1400 Independence Avenue, SW, Washington, DC 20013–0513; Attention: CFO.

FOR FURTHER INFORMATION CONTACT: Dan Smith, Water Issues Team Leader, Conservation Operations Division, Natural Resource and Conservation Service, phone 202–720–3524; fax: 202–720–4265; e-mail: dan.smith@usda.gov, Attention: CFO; or Edward Rall, Economic and Policy Analysis Staff, Farm Service Agency, phone 202–720–7795; fax: 202–720–8261; e-mail: erall@wdc.fsa.usda.gov, Attention: CFO.

SUPPLEMENTARY INFORMATION:

Availability of Funding in Fiscal Year 1998

Congress authorized a $15 million CFO pilot program for fiscal year 1998. Effective on the date of publication of this notice, proposals will be accepted from individuals, States, Tribes, universities, and other organizations to establish CFO pilot programs for producers of wheat, feed grains, upland cotton, and rice who have production flexibility contracts under the Agricultural Market Transition Act. The proposals must be for the purpose(s) of conserving soil, water, and related resources; protecting or improving water quality; restoring, protecting and creating wetlands; developing and protecting wildlife habitat; or other similar conservation purposes. Other requirements set forth in this notice must also be met. Proposals must be received by June 1, 1998. Contracts for FY 1998 funds need to be executed by September 30, 1998.

Background

Traditional agricultural conservation programs provide farmers and ranchers with cost-share and land retirement payments as incentives to protect and conserve soil, water, and other natural resources, and provide technical assistance to implement conservation practices. In certain cases, however, these traditional programs lack sufficient flexibility to allow farmers and ranchers to operate in a manner they consider optimal or to address natural resource concerns for which warrant innovative solutions. The CFO is intended to promote innovative and environmentally-sound methods for addressing these concerns. CFO pilot programs should address resource problems and needs that are well documented and on a scale that will facilitate the evaluation of the effectiveness of the systems/practices installed, as well as that of the entire program. CFO pilot programs are intended to be simple, flexible, and should reward sustainable agricultural production practices and support locally led conservation goals. The CFO pilot program will substitute a single payment for the different types of payments available under the Conservation Reserve Program (CRP), the Wetlands Reserve Program (WRP), and the Environmental Quality Incentives Program (EQIP), provide an incentive for coordinated, long-term natural resource planning, and be flexible enough to allow farmers and ranchers to operate in economically efficient, but innovative ways. The CFO provides for a locally led approach by allowing individual farmers and ranchers or groups of farmers and ranchers to implement innovative solutions to natural resource problems and encourages implementation of sustainable agricultural production practices. The CFO is a program that permits farmers and ranchers to maximize environmental benefits with minimal land retirement, while maintaining agricultural production.

Overview of the Conservation Farm Option Pilot Program

In accordance with the Food Security Act of 1985 as amended (1985 Act), CCC will establish CFO pilot programs for producers of wheat, feed grains, upland cotton, and rice. Only those owners and producers that have a farm with contract acres enrolled in production flexibility contracts established under the 1996 Act are eligible to participate in the CFO. Producers accepted into the CFO must enter into 10-year contracts which may be extended an additional 5 years. The purposes of CFO pilot programs include: (1) Conservation of soil, water, and related resources; (2) water quality protection or improvement; (3) wetland restoration, protection, and creation; (4) wildlife habitat development and protection; and (5) other similar conservation purposes. To enroll in the program, the 1985 Act requires producers to prepare a conservation farm plan which becomes part of the CFO contract. The plan describes all conservation practices to be implemented and maintained on acreage subject to contract. An important goal is to promote the adoption of resource conserving crop rotations while maintaining agricultural production and maximizing

environmental benefits. The 1985 Act also requires the plan to contain a schedule for the implementation and maintenance of the practices, comply with highly erodible land and wetland conservation requirements of Title XII of the 1985 Act, and contain such other terms as the Secretary may require. Producers must also agree to forgo payments under the Conservation Reserve Program (CRP), the Wetlands Reserve Program (WRP), and the Environmental Quality Incentives Program (EQIP). In lieu of these payments, the 1985 Act requires the Secretary to offer annual payments under the contract that are equivalent to the payments the owner or producer would have received had the owner or producer participated in the CRP, the WRP and the EQIP. CCC will determine the CFO payment rates taking into consideration the payments that would have been received under the CRP, WRP, and EQIP, as applicable. CRP payments will not exceed the maximum bid price accepted for similar land in the vicinity.

The CFO pilot program will substitute a single annual payment for the different types of payments available under the CRP, the WRP, and EQIP, provide an incentive for coordinated, long-term natural resource planning, and be flexible enough to allow farmers and ranchers to operate in economically efficient, but innovative ways. The CFO provides for a locally-led approach by allowing individual farmers and ranchers, or groups of and ranchers to implement innovative solutions to natural resource problems and encourages implementation of sustainable agricultural production practices. The CFO is a program that permits farmers and ranchers to maximize environmental benefits with minimal land retirement, while maintaining agricultural production.

CCC will determine CFO participation in a two step process: First, CCC will select CFO pilot project areas based on proposals submitted by the public; then, CCC will accept applications from eligible producers within the selected pilot project areas.

CFO Pilot Projects

CFO pilot projects will address resource problems and needs that are well documented and on a scale that will facilitate the evaluation of the effectiveness of the systems and practices installed, as well as that of the entire program. CFO pilot projects are intended to be simple, flexible, and should encourage sustainable agricultural production practices and support locally led conservation goals.

CCC will select CFO pilot project areas based on the extent the proposal:

1. demonstrates innovative approaches to conservation program delivery and administration;
2. demonstrates innovative conservation technologies and systems;
3. creates environmental benefits in a cost effective manner;
4. addresses conservation of soil, water, and related resources, water quality protection or improvement; wetland restoration, protection, and creation; and wildlife habitat development and protection;
5. ensures effective monitoring and evaluation of the pilot effort;
6. considers multiple stakeholder participation (partnerships) within the pilot area; and
7. provides additional non-Federal funding.

An interdepartmental committee made up of representatives of several Federal agencies will review the proposals and make recommendations to the Chief, NRCS, who is a Vice President of the CCC, based on criteria available to the public in the CFO proposal package. The CFO proposal package includes the CFO Pilot Proposal Form CCC–1210, instructions for completion of the CCC–1210, and the criteria for evaluating proposals. The CFO proposal package is available from any FSA or NRCS local office. CCC will give preference to proposals that have high ratings based on the criteria upon which proposals will be evaluated.

Pilot projects can involve either an individual or a group. In either case, to be considered for enrollment in CFO, each individual or entity within an approved pilot project area must submit an application which is the basis for the contract between the participant and CCC.

Payment Eligibility

Producers of wheat, feed grains, upland cotton, and rice who have farms with contract acres enrolled in production flexibility contracts established under the Agricultural Market Transition Act are eligible for payment.

No funds will be paid or transferred to any group, or entity or individual other than through the CFO contracts with the individual producers.

Pilot Project Area Proposal Submission

Any individual, organization, or entity may submit a proposal for a CFO pilot program. Proposals must be submitted according to instructions found in the CFO proposal package available from any FSA or NRCS local office.

Responsibilities

For group proposals, the individual, organization, or entity submitting the proposal will be responsible for providing leadership in the overall local planning effort which may include education, information delivery, monitoring and coordination with local, state or subdivisions thereof, tribal, and Federal agencies.

Individual CFO pilot program participants will be responsible for meeting CFO pilot program requirements on their farm or ranch, including development and implementation of a comprehensive, long-term conservation farm plan, and will be responsible for education, information delivery, and monitoring, if included in the proposal.

Minimum Requirements of CFO Pilot Program Proposals

A completed CFO pilot proposal form. Participation in CFO projects shall be open to all production flexibility contract holders without regard to race, color, national origin, sex, religion, age, disability, political beliefs and marital or familial status.

Monitoring and Impact Assessment

An important goal of the CFO pilot programs is to assess the impacts of the systems/practices applied by monitoring key environmental indicators. Individuals may seek assistance from NRCS in meeting any applicable assessment and/or monitoring requirements. Results from impact assessments will be used to develop and modify existing and future conservation systems, practices, and programs.

Compliance

If a participant fails to carry out the terms and conditions of a CFO contract, CCC may terminate the CFO contract. If the CFO contract is terminated by CCC: the participant shall forfeit all rights to further payments under such contract and may be requested to refund all payments previously received with interest and pay liquidated damages to CCC for CRP and WRP type practices in the amount specified in such contract.

Selection of CFO Pilot Program Proposals/Inter-Departmental Review

The most important aspect of the program is its capacity to test new approaches to achieving environmental benefits, through either program design or new technology. Preference will be given to proposals that could not be funded by other programs, such as CRP, WRP or EQIP.

Proposals will be reviewed by an interdepartmental committee which will

make recommendations to the Chief, NRCS based on criteria set forth in the CFO proposal package. The review committee may be drawn from the Corps of Engineers, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Cooperative Extension Service, Cooperative State Research, Education and Extension Service, Department of Energy, Economic Research Service, Environmental Protection Agency, Farm Service Agency, Forest Service, National Oceanic and Atmospheric Administration, Natural Resources Conservation Service, U.S. Fish and Wildlife Service, and the U.S. Geological Survey. The Chief, NRCS, will select proposals for funding. Upon selection of pilot project proposals, all producers with production flexibility contracts under AMTA within project areas will be eligible to participate in the CFO. CFO conservation farm plans will be approved by NRCS and the CFO contracts will be approved and payments made by the local FSA office.

Signed in Washington, D.C. on April 14, 1998.

Pearlie S. Reed,

Vice President, Commodity Credit Corporation.

[FR Doc. 98–10511 Filed 4–20–98; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Business—Cooperative Service

Notice of Request for Approval of New Information Collection

AGENCY: Rural Business—Cooperative Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces RBS' intention to request approval of information collection in support of the Intermediary Relending Program (IRP), Rural Business Enterprise Grant Program, and Rural Economic Development Grant Program.

DATES: Comments on this notice must be received by June 22, 1998.

FOR FURTHER INFORMATION CONTACT: M. Wayne Stansbery, Loan Specialist, Rural Business—Cooperative Service, USDA, STOP 1521, Washington, DC 20250, Telephone: (202) 720–6819.

SUPPLEMENTARY INFORMATION:

Title: Survey of revolving loan funds capitalized by USDA Rural Development.

Type of Request: New Information Collection.

Abstract: The Rural Business—Cooperative Service (RBS), an agency within the Rural Development mission area of the United States Department of Agriculture, operates several programs that provide funds to intermediary organizations (intermediaries) to be used for loans to third-party recipients (ultimate recipients). RBS has entered into a cooperative agreement with Virginia Polytechnic Institute and State University (VA Tech) to develop an automated data base of information on ultimate recipient loans.

Information will be collected from intermediaries about each ultimate recipient loan, to identify the borrower, date of the loan, loan size, terms, interest rates, collateral, repayment history, location, type of business, jobs impacted, other funds leveraged, and minority owned businesses assisted.

The first reason for developing the data base is to analyze the feasibility of secondary market sales of the loans held by the intermediaries. The data will help to determine whether the loans are salable and, if so, under what terms and conditions. If determined feasible, secondary market sales of loans will allow intermediaries that have received and used money to establish revolving funds to recapitalize almost immediately with private funds, rather than waiting for term loans to be repaid over time.

The second reason for creating the data base is to give RBS better measures and more accurate and complete information for measuring program impact, in accordance with the National Performance and Results Act. Without more data on the ultimate recipients, RBS is limited in its ability to measure the full impact of programs that operate through intermediaries and ultimate recipients.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 hours per response.

Respondents: Non-profit corporations, public agencies, Indian tribes, and cooperatives.

Estimated Number of Respondents: 550.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2750 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Programs Team Information Collection Coordinator, (202) 720–9750.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0743, 1400 Independence Avenue, SW, Washington, DC 20250–0743. Comments may be submitted via the Internet by addressing them to ''Comments@rus.usda.gov'' and must contain the word ''revolving'' in the subject. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: April 9, 1998.

Dayton J. Watkins,

Administrator, Rural Business—Cooperative Service.

[FR Doc. 98–10433 Filed 4–20–98; 8:45 am]

BILLING CODE 3410–XY–U

COMMISSION ON CIVIL RIGHTS

Hearing on Schools and Religions

AGENCY: Commission on Civil Rights.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given pursuant to the provisions of the Civil Rights Commission Amendments Act of 1994, section 3, Public Law 103–419, 108 Stat. 4338, as amended, and 45 CFR 702.3, that a public hearing before the U.S. Commission on Civil Rights will commence on Wednesday, May 20, 1998, beginning at 9:30 a.m., in the YWCA Building, Conference Room 540, located at 624 Ninth Street, NW., Washington, DC 20425.

The purpose of the hearing is to collect information within the jurisdiction of the Commission, under 45 CFR 702.2, to examine the operation of the Equal Access Act and similar

laws and the adherence by the public schools to these laws and the Constitution in regard to religious freedom. The Commission is authorized to hold hearings and to issue subpoenas for the production of documents and the attendance of witnesses pursuant to 45 CFR 701.2(c). The Commission is an independent bipartisan, factfinding agency authorized to study, collect, and disseminate information, and to appraise the laws and policies of the Federal Government, and to study and collect information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Hearing impaired persons who will attend the hearing and require the services of a sign language interpreter, should contact Betty Edmiston, Administrative Services and Clearinghouse Division at (202) 376–8105 (TDD (202) 376–8116), at least five (5) working days before the scheduled date of the hearing.

FOR FURTHER INFORMATION CONTACT: Barbara Brooks, Press and Communications (202) 367–8312.

Dated: April 15, 1998.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 98–10403 Filed 4–20–98; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coast Pilot Report.

Agency Form Number: 77–6.

OMB Approval Number: 0648–0007.

Type of Request: Extension of a currently approved collection.

Burden: 50 hours.

Average Time Per Response: 30 minutes.

Number of Respondents: 100.

Needs and Uses: The National Ocean Services (NOS) Coast Pilot is a series of nine books that supplement the marine nautical charts. The Coast Pilot contains essential marine information important to navigators of United States coastal and intracoastal waters, that cannot be shown graphically on the charts. The Coast Pilot Report form provides a formalized instrument for members of the public to recommend changes to the Coast Pilot or to the format, scale, or layout of nautical charts.

Affected Public: Individuals.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, N.W., Washington, DC 20230.

Dated: April 15, 1998

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–10453 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Report of Requests for Restrictive Trade Practice or Boycott, Single or Multiple Transactions.

Agency Form Number: 621P, 6051P, 6051P–A.

OMB Approval Number: 0694–0012.

Type of Request: Extension of a currently approved collection of information.

Burden: 3,306 hours.

Average Hours per Response: 121 to 151 minutes per response.

Number of Respondents: 1,574 respondents.

Needs and Uses: The Export Administration Regulations require U.S. persons to report any requests that they have received to take any action to comply with, further, or support an unsanctioned foreign boycott. The intent of this requirement is to counteract the participation of U.S. firms in other nations' economic boycotts or embargoes. The information provided by firms is used to monitor requests for participating in foreign boycotts and analyze changing trends for purposes of deciding U.S. policy and to initiate boycott investigations.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Dennis Marvich, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Dennis Marvich, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20230.

Dated: April 15, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–10454 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of the Census

1998 Company Organization Survey

ACTION: Proposed Collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 22, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be

directed to Paul Hanczaryk, Bureau of the Census, Room 2761, Federal Building 3, Washington, DC 20233–6100; telephone (301) 457–2580.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the annual Company Organization Survey (COS) in order to update and maintain a central, multipurpose business register, known as the Standard Statistical Establishment List (SSEL). In particular, the COS supplies critical information to the SSEL concerning the establishment composition, organizational structure, and operating characteristics of multi establishment enterprises.

The SSEL serves two fundamental purposes:

- First and most important, it provides sampling populations and enumeration lists for the Census Bureau's economic surveys and censuses, and it serves as an integral part of the statistical foundation underlying those programs. Essential for this purpose is the SSEL's ability to identify all known United States business establishments and their parent enterprises. Further, the SSEL must accurately record basic business attributes needed to control sampling and enumeration. These attributes include industrial and geographic classifications, measures of size and economic activity, ownership characteristics, and contact information (for example, name and address).

Second, it provides establishment data that serve as the basis for the annual County Business Patterns (CBP) statistical series. CBP reports present data on number of establishments, first quarter payroll, annual payroll, and mid-March employment summarized by industry and employment size class for the United States, states, the District of Columbia, Puerto Rico, counties, and county-equivalents. No other annual or more frequent series of industry statistics provides comparable detail, particularly for small geographic areas.

II. Method of Collection

The Census Bureau will conduct the 1998 COS similar to the 1996 COS. In 1997 the COS was conducted in conjunction with the 1997 Economic Census to minimize response burden.

The 1998 COS will direct inquiries to approximately 85,000 multi establishment enterprises, which operate 1.1 million establishments. This panel will be drawn from the SSEL universe of nearly 200,000 multi establishment enterprises, which operate 1.5 million establishments. Additionally, the panel will include approximately 1,000 new entities that have become active during 1998. The procedure for constructing the COS panel selectively targets enterprises that are most likely to report changes in organization and/or operating characteristics, and it also targets new entities that are most likely to report affiliation with multi establishment enterprises. In general, the selection of these units is based on enterprise size/complexity and administrative records indications. Additionally, the panel will include a small probability sample of the multi establishment enterprises not selected by the targeting procedure.

The survey is conducted by mail canvass. More than 300 larger enterprises (accounting for approximately 22 percent of covered establishments) return their COS reports by automated/electronic means. All other survey respondents return a paper questionnaire. Data content is identical for all reporting modes. The instrument includes inquiries on ownership or control by a domestic parent, ownership or control by a foreign parent, and ownership of foreign affiliates. Further, the instrument lists an inventory of establishments belonging to the enterprise and its subsidiaries, and it requests updates to the inventory, including additions, deletions, and changes to information on Federal employer identification number, name and address, industrial payroll, end-of-year operating status, mid-March employment, first quarter payroll, and annual payroll.

III. Data

OMB Number: 0607–0444.
Form Number: NC–9901.
Type of Review: Regular submission.
Affected Public: Businesses or other for-profit, not-for-profit institutions.
Estimated Number of Respondents: 85,000 enterprises.
Estimated Time per Response: 1.7 hours.
Estimated Total Annual Burden Hours: 144,500.
Estimated Total Annual Cost: $2,023,000 @ $14/hr.
Respondent's Obligation: Mandatory.
Legal Authority: Title 13 of U.S.C. Sections 131 and 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 16, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–10489 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Current Population Survey (CPS) School Enrollment Supplement; Proposed Collection; Comment Request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Submit written comments on or before June 22, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Tim Marshall, Bureau of the Census, FOB 3, Room 3340, Washington, DC 20233–8400, (301) 457–3806.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is requesting clearance for the collection of data concerning the School Enrollment Supplement to be conducted in conjunction with the October 1998 CPS.

Title 13, United States Code, Section 182; and Title 29 United States Code, Sections 1–9, authorize the collection of CPS information. The Bureau of the Census and the Bureau of Labor Statistics (BLS) sponsor the basic annual school enrollment questions, which have been collected annually in the CPS for 30 years.

This survey provides information on public/private elementary school, secondary school, and college enrollment, and on characteristics of private school students and their families, which is used for tracking historical trends, for policy planning, and support. This survey is the only source of national data on the age distribution and family characteristics of college students, and the only source of demographic data on preprimary school enrollment. As part of the Federal Government's efforts to collect data and provide timely information to local governments for policymaking decisions, the survey provides national trends in enrollment and progress in school.

II. Method of Collection

The school enrollment information will be collected by both personal visit and telephone interviews in conjunction with the regular October CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Number: 0607–0464.

Form Number: There are no forms. We conduct all interviewing on computers.

Type of Review: Regular.

Affected Public: Households.

Estimated Number of Respondents: 48,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 4,000.

Estimated Total Annual Cost: The only cost to respondents is that of their time.

Respondents' Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182; and Title 29 U.S.C., Sections 1–9.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 16, 1998.

Linda Engelmeier,

Department Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–10490 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 21–98]

Foreign-Trade Zone 226—Merced County, CA, Request for Manufacturing Authority Grundfos Manufacturing Corporation (Industrial/ Commercial Pumps)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Supervisors of the County of Merced, California, grantee of FTZ 226, pursuant to § 400.28(a)(2) of the Board's regulations (15 CFR part 400), requesting authority on behalf of Grundfos Manufacturing Corporation (Inc.)(GMC)(a subsidiary of Grundfos International, Denmark) to manufacture industrial and commercial pumps under FTZ procedures, subject to restriction, within FTZ 226. It was formally filed on April 14, 1998.

The GMC plant (243,000 sq. ft.) is located within Site 8 of FTZ 226 at 5900 East Shields Avenue, Airways East Business Park, in Fresno, California. The GMC plant (400 employees) is used to produce liquid pumps for residential, agricultural, and industrial uses, including circulating pumps, multi-stage centrifugal pumps, submersible water pumps, and environmental monitoring well pumps. End uses include heating systems, environmental sampling, car washes, refineries, fire protection, ground water pumping. Components and materials sourced from abroad (representing about 70% of all parts consumed in manufacturing) include: lubricating oils, articles of plastic/rubber, thermoplastic resins, corrugated boxes, adhesive labels, ceramic articles, stainless steel strips, stainless/alloy steel shafts, flanges, pipe fittings, fasteners, springs, parts of pumps, housings, stators, rotors, bearings, seals/gaskets, sleeves, bushings, blades, impellers, valves and seats, couplings, electric motors, transformers, capacitors, resistors, voltage limiters, relays, switches, cable, terminal boxes, and copper wire (duty rate range: free-6.4%). The application indicates a willingness to accept a restriction requiring that all foreign-origin stainless steel mill products mentioned above shall be entered for consumption with Customs duties paid prior to admission to FTZ 226. Some 25 percent of the plant's shipments are exported.

FTZ procedures would exempt GMC from Customs duty payments on the foreign components (except stainless steel mill products) used in export production. On its domestic sales, GMC would be able to choose the duty rates during Customs entry procedures that apply to finished pumps (0.6%) for the foreign inputs noted above, except stainless steel mill products. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 22, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 6, 1998).

A copy of the application and the accompanying exhibits will be available for public inspection at the following location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230–0002.

Dated: April 14, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–10571 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 6–98]

Foreign-Trade Zone 37—Orange County, New York, Area, Application for Expansion; Extension of Public Comment Period

The comment period for the above case, submitted by the County of Orange, New York, requesting authority to expand its zone in the Orange County, New York, area (63 FR 6890, 2/11/98), is extended to May 13, 1998, to allow interested parties additional time in which to comment on the proposal.

Comments in writing are invited during this period. Submissions should include three (3) copies. Material submitted will be available at: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: April 8, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–10414 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 20–98]

Foreign-Trade Zone 61—San Juan, Puerto Rico, Application for Subzone, Pfizer Pharmaceuticals, Inc. (Pharmaceutical Products), Barceloneta, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Commercial and Farm Credit and Development Corporation of Puerto Rico, grantee of FTZ 61, requesting special-purpose subzone status for the pharmaceutical manufacturing plant of Pfizer Pharmaceuticals, Inc. (Pfizer), in Barceloneta, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on April 13, 1998.

Pfizer is a wholly-owned subsidiary of Pfizer Inc. (U.S.), which comprises three global businesses—Health Care, Consumer Health Care and Animal Health.

Pfizer's Barceloneta plant (420,000 sq. ft. on 95 acres + 150-acre adjacent area) is located at Road 2, KM 58.2, Barceloneta, Puerto Rico, some 45 miles west of San Juan. The facility (with some 1,000 employees) produces finished pharmaceutical products, primarily SINEQUAN®, DIABINESE®, ANTIVERT®, MINIPRESS®, FELDENE®, GLUCOTROL®, PROCARDIA XL®, NORVASC®, CARDURA®, DIFLUCAN®, ZOLOFT®, and ZITHROMAX®.

The company may locate production of three new products, VIAGRA® treatment for erectile dysfuntion (HTSUS 3004.90.9040), TIKOSYN® anti-arrhythmia treatment (HTSUS 3004.90.9020) and eletripten migraine treatment (HTSUS 3004.90.9040) at the Barceloneta facility contingent upon receiving approval for subzone procedures at the plant. Foreign-sourced materials will account for, on average, 86 percent of materials value, and include items from the following categories:

Aromatic ethers and their derivatives
HTSUS 2909.30.4000 10.3%
Aromatic monoamines and their derivatives, salts
HTSUS 2921.49.4500 10.7%
Organo-sulfur compounds
HTSUS 2930.90.9050 3.7%
Heterocyclic compounds with nitrogen hetero-atoms(s):
HTSUS 2933.19.9000 6.8%
HTSUS 2933.59.5300 6.6%
HTSUS 2933.59.7000 10.7%
HTSUS 2933.90.7900 10.7%
HTSUS 2933.90.9000 3.7%

The company may also purchase from abroad other ingredients and materials in the following general categories: gums, starches, waxes, vegetable extracts, mineral oils, sugars, empty capsules, protein concentrates, prepared animal feed, mineral products, inorganic acids, chlorides, clorates, sulfites, sulfates, phosphates, cyanides, silicates, radioactive chemicals, rare-earth metal compounds, hydroxides, hydrazine and hydroxylamine, chlorides, phosphates, carbonates, hydrocarbons, alcohols, phenols, ethers, epoxides, acetals, aldehydes, ketone function compounds, mono- and polycarboxylic acids, phosphoric esters, amine-, carboxymide, nitrile- and oxygen-function compounds, heterocyclic compounds, sulfonamides, insecticides, rodenticides, fungicides and herbicides, fertilizers, vitamins, hormones, antibiotics, gelatins, enzymes, pharmaceutical glaze, essential oils, albumins, gelatins, activated carbon, residual lyes, acrylic polymers, color lakes, soaps and detergents, various packaging and printing materials, medicaments, pharmaceutical products, and instruments and appliances used in medical sciences. Some 10 percent of production may be exported.

Zone procedures would exempt Pfizer from Customs duty payments on foreign materials used in production for export. On domestic sales, the company would be able to choose the duty rates that apply to the finished products (duty-free). The duty rates on foreign-sourced items range from duty-free to 18.6 percent. At the outset, zone savings would primarily involve choosing the finished product duty rate on VIAGRA®, TIKOSYN® and eletripten (duty-free), rather than the rates for their foreign components listed above (duty rates ranging from 3.7% to 10.7%). The application indicates that the savings from zone procedures will help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 22, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 6, 1998).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, Plaza Torre, 525 F.D. Roosevelt Ave., Suite 905, San Juan (Hato Rey), Puerto Rico 00918

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: April 14, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–10572 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

1995/1996 Antidumping Duty Administrative Review of Circular Welded Non-Alloy Steel Pipe From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce is extending the time limit of the final results of the antidumping duty administrative review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea. This review covers the period November 1, 1995 through October 31, 1996.

EFFECTIVE DATE: April 21, 1998.

FOR FURTHER INFORMATION CONTACT: Cynthia Thirumalai or Marian Wells, AD/CVD Enforcement, Group I, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–4087 or 482–6309, respectively.

SUPPLEMENTARY INFORMATION: Due to the complexity of issues present in this case, it is not practicable to complete this administrative review within the original time limit. Therefore, the Department of Commerce is extending the time limit for completion of this administrative review until June 8, 1998, in accordance with Section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675 (a)(3)(A)).

Dated: April 7, 1998.

Gary Taverman,

Acting Deputy Assistant Secretary, AD/CVD Enforcement Group I.

[FR Doc. 98–10416 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–803]

Certain Cut-to-Length Carbon Steel Plate From Romania; Extension of Time Limit for Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Extension of time limit for antidumping duty administrative review of certain cut-to-length carbon steel plate from Romania.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limit for the preliminary results of the first antidumping duty administrative review of the antidumping order on certain cut-to-length carbon steel plate from Romania. This review covers Windmill International PTE Ltd. of Singapore, Windmill International Romania Branch, and Windmill International Ltd. (USA), collectively referred to as ''Windmill.'' The period of review is August 1, 1996 through July 31, 1997.

EFFECTIVE DATE: April 21, 1998.

FOR FURTHER INFORMATION CONTACT: Alain Letort or John R. Kugelman, AD/CVD Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–4243 or 482–0649, respectively.

SUPPLEMENTARY INFORMATION: The Department initiated this administrative review on September 25, 1997 (62 FR 50292). Because it is not practicable to complete this review within the time limit mandated by section 751(a)(3)(A) of the Tariff Act of 1930 (''the Act''), as amended by the Uruguay Round Agreements Act of 1994, the Department is extending the time limit for the preliminary results of the aforementioned review to August 31, 1998. See memorandum from Joseph A. Spetrini to Robert S. LaRussa, which is on file in Room B–099 at the Department's headquarters.

This extension of time limit is in accordance with section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations.

Dated: April 15, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 98–10573 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–301–602]

Certain Fresh Cut Flowers From Colombia: Initiation of Administrative Review and Request for Revocation in Part of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping administrative review and request for revocation in part of the antidumping duty order.

SUMMARY: The Department of Commerce has received requests to conduct an administrative review of the antidumping duty order on certain fresh cut flowers from Colombia. In accordance with the regulations of the Department of Commerce, we are initiating this administrative review for the period March 1, 1997 through February 28, 1998, for those named exporters/growers for whom a request for review was received. A request for revocation from the antidumping duty order was also received from Floricola la Gaitana S.A. and Clavecol Group.

EFFECTIVE DATE: April 21, 1998.

FOR FURTHER INFORMATION CONTACT: Rosa Jeong or Marian Wells, AD/CVD Enforcement, Group I, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–1278 or (202) 482–6309, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the Department) has received timely requests, in accordance with 19 CFR 351.213(b), for an administrative review of the antidumping duty order on certain fresh cut flowers from Colombia. The Department has also received a request for revocation from Floricola la Gaitana S.A. and Clavecol Group.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating an administrative review of the

antidumping duty order on certain fresh cut flowers from Colombia.

We received requests for review of the following specifically-named exporters/growers who shipped subject merchandise during the period:

Abaco Tulipanex de Colombia
Achalay
Aga Group
  Agricola la Celestina
  Agricola la Maria
Agricola Benilda Ltda.
Agrex de Oriente
Agricola Acevedo
Agricola Altiplano
Agricola Arenales Ltda.
Agricola Bonanza Ltda.
Agricola Circasia Ltda.
Agricola de Occident
Agricola del Monte
Agricola el Cactus S.A.
Agricola el Redil
Agricola Guali S.A.
Agricola la Corsaria C.I. Ltda.
Agricola la Siberia
Agricola las Cuadras Group
  Agricola las Cuadras Ltda.
  Flores de Hacaritama
Agricola Megaflor Ltda.
Agricola Yuldama
Agrocaribu Ltda.
Agro de Narino
Agrodex Group
Agricola el Retiro Ltda.
Agrodex Ltda.
Degaflores Ltda.
Flores Camino Real Ltda.
Flores de la Comuna Ltda.
Flores de las Mercedes
Flores de los Amigos Ltda.
Flores de los Arrayanes Ltda.
Flores de Mayo Ltda.
Flores del Gallinero Ltda.
Flores del Potrero Ltda.
Flores dos Hectareas Ltda.
Flores de Pueblo Viejo Ltda.
Flores el Trentino Ltda.
Flores la Conejera Ltda.
Flores Manare Ltda.
Florlinda Ltda.
Horticola el Triunfo
Horticola Montecarlo Ltda.
Agricola los Gaques Ltda.
Flores el Puente Ltda.
Inversiones Santa Rosa ARW Ltda.
Agroindustrial Don Eusebio Ltda. Group
  Agroindustrial Don Eusebio Ltda.
  Celia Flowers
  Passion Flowers
  Primo Flowers
  Temptation Flowers
Agroindustrial Madonna S.A.
Agroindustrias de Narino Ltda.
Agromonte Ltda.
Agropecuria Cuernavaca Ltda.
Agropecuaria la Marcela
Agropecuaria Mauricio
Agrorosas
Agrotabio Kent
Aguacarga
Alcala
Alstroflores Ltda.
Amoret
Ancas Ltda.
Andes Group
Cultivos Buenavista Ltda.
Flores de los Andes Ltda.
Flores Horizonte Ltda.
Inversiones Penas Blancas Ltda.
A.Q.
Arboles Azules Ltda.
Aspen Gardens Ltda.
Astro Ltda.
Becerra Castellanos y Cia.
Bojaca Group
  Agricola Bojaca
  Universal Flowers
  Flores y Plantas Tropicales
  Flores del Neusa Nove Ltda.
  Tropiflora
Caico Group (Caicedo Group)
  Agrobosque S.A.
  Andalucia S.A.
  Corsorcio Agroindustrial Colombiano S.A. (CAICO)
  Exportaciones Bochica S.A.
  Flores del Cauca S.A.
  Aranjuez S.A.
  Floral Ltda.
  Inversiones Targa Ltda.
  Productos el Zorro
  Via el Rosal
Cantarrana Group
  Cantarrana Ltda.
  Agricola los Venados Ltda.
Carcol Ltda.
Cienfuegos Group
  Cienfuegos Ltda.
  Flores la Conchita
Cigarral Group
  Flores Cigarral
  Flores Tayrona
Classic
Claveles Colombianos Group (Clavecol Group)
  Claveles Colombianos Ltda.
  Elegant Flowers Ltda.
  Fantasia Flowers Ltda.
  Splendid Flowers Ltda.
  Sun Flowers Ltda.
Claveles de los Alpes Ltda.
Clavelez
Coexflor
Colibri Flowers Ltda.
Color Explosion
Combiflor
Cota
Crest D'or
Crop S.A.
Cultiflores Ltda.
Cultivos Guameru
Cultivos Medellin Ltda.
Cultivos Miramonte Group
  Cultivos Miramonte S.A.
  Flores Mocari S.A.
Cultivos Tahami Ltda.
Cypress Valley
Daflor Ltda.
Degaflor
De la Pava Guevara E. Hijos Ltda.
Del Monte
Del Tropico Ltda.
Dianticola Colombiana Ltda.
Disagro
Diveragricola
Dynasty Roses Ltda.
El Antelio S.A.
El Dorado
Elite Flowers (The Elite Flower/Rosen Tantau)
El Milaro
El Tambo
El Timbul Ltda.
Envy Farms Group
  Envy Farms
  Flores Marandua Ltda.
Euroflora
Exoticas
Exotic Flowers
Exotico
Expoflora Ltda.
Exporosas
Exportadora
Falcon Farms de Colombia S.A.
Farm Fresh Flowers Group
  Agricola de la Fontana
  Flores de Hunza
  Flores Tibati
  Inversiones Cubivan
Ferson Trading
Flamingo Flowers
Flor Colombiana S.A.
Flora Bellisima
Flora Intercontinental
Floralex Ltda.
Florandia Herrera Camacho y Cia.
Floraterra Group
  Floraterra S.A.
  Flores Casa Blanca S.A.
  Flores Novaterra Ltda.
  Flores San Mateo S.A.
  Siete Flores S.A.
Floreales Group
  Floreales Ltda.
  Kimbaya
Florenal (Flores el Arenal) Ltda.
Flores Abaco S.A.
Flores Acuarela S.A.
Flores Agromonte
Flores Aguila
Flores Ainsuca Ltda.
Flores Ainsus
Flores Alcala Ltda.
Flores Andinas
Flores Aurora
Flores Bachue Ltda.
Flores Calichana
Flores Carmel S.A.
Flores Cerezangos
Flores Colon Ltda.
Flores Comercial Bellavista Ltda.
Flores Corola
Flores de Aposentos Ltda.
Flores de Guasca
Flores de Iztari
Flores de Memecon/Corinto
Flores de la Cuesta
Flores de la Hacienda
Flores de la Maria
Flores de la Montana
Flores de la Parcelita
Flores de la Vega Ltda.
Flores de la Vereda
Flores de la Campo Ltda.
Flores del Cielo Ltda.
Flores del Cortijo
Flores del Lago Ltda.
Flores de Serrezuela S.A.
Flores del Rio Group
  Agricola Cardenal S.A.
  Flores del Rio S.A.
  Indigo S.A.
Flores del Tambo
Flores de Oriente
Flores de Suba
Flores de Suesca Group (Toto Flowers Group)
  Flores de Suesca S.A.

Toto Flowers
Flores de Tenjo Ltda.
Flores Depina Ltda.
Flores el Lobo
Flores el Molino S.A.
Flores el Rosal Ltda.
Flores el Talle Ltda.
Flores el Zorro Ltda.
Flores Flamingo Ltda.
Flores Fusu
Flores Galia Ltda.
Flores Gicor Group
Flores Gicro Ltda.
Flores de Colombia
Flores Gloria
Flores Hacienda Bejucol
Flores Juanambu Ltda.
Flores Juncalito Ltda.
Flores la Cabanuela
Flores la Fragrancia
Flores la Gioconda
Flores la Lucerna
Flores la Macarena
Flores la Pampa
Flores la Union/Gomez Arango & Cia. Group
Flores la Union/Santana
Flores las Caicas
Flores las Mesitas
Flores los Sauces
Flores Monserrate Ltda.
Flores Montecarlo
Flores Monteverde
Flores Palimana
Flores Ramo Ltda.
Flores S.A.
Flores Sagaro
Flores Saint Valentine
Flores Sairam Ltda.
Flores San Andres
Flores San Carlos
Flores San Juan S.A.
Flores Santa Fe Ltda.
Flores Santana
Flores Sausalito
Flores Selectas
Flores Silvestres
Flores Sindamanoi
Flores Suasuque
Flores Tenerife Ltda.
Flores Tiba S.A.
Flores Tocarinda
Flores Tomine Ltda.
Flores Tropicales (Happy Candy) Group
Flores Tropicales Ltda.
Happy Candy Ltda.
Mercedes Ltda.
Rosas Colombianos Ltda.
Flores Urimaco
Flores Violette
Florex Group
Agricola Guacari S.A.
Flores Altamira S.A.
Flores de Exportacion S.A.
Santa Helena S.A.
Flores del Salitre Ltda.
S.B. Talee de Colombia
Florexpo
Floricola
Floricola la Gaitana S.A.
Floricola la Ramada Ltda.
Florimex Colombia Ltda.
Florisol
Florpacifico
Flor y Color
Floval
Flower Factory
Flowers of the World/Rosa
Four Seasons
Fracolsa
Fresh Flowers
F. Salazar
Funza Group
Flores Alborada S.A.C.I.
Flores de Funza S.A.C.I.
Flores del Bosque S.A.C.I.
Garden and Flowers Ltda.
German Ocampo
Granja
Green Flowers
Group Andes
Cultivos Buenavista Ltda.
Flores de los Andes Ltda.
Flores Horizonte Ltda.
Inversiones Penas Blancas Ltda.
Grupo el Jardin
Agricola el Jardin Ltda.
La Marotte S.A.
Orquideas Acatayma Ltda.
Guacatay Group
Agricola Guacatay S.A
Jardines Bacata Ltda.
Agricola Cunday S.A.
Agricola Ventura Ltda.
Multiflora C.I.S.A.
Gypso Flowers
Hacienda la Embarrada
Hacienda Matute
Hana/Hisa Group
Flores Hana Ichi de Colombia Ltda.
Flores Tokai Hisa
Hernando Monroy
Hill Crest Gardens
Horticultura de la Sasan
Horticultura el Molino
Horticultra Montecarlo
Hosa Group
Horticultura de la Sabana S.A.
HOSA Ltda.
Innovacion Andina S.A.
Minispray S.A.
Prohosa Ltda.
Illusion Flowers
Industria Santa Clara
Industrial Agricola
Industrial Terwengel Ltda.
Industria Santa Clara
Ingro Ltda.
Inverpalmas
Inversiones Almer Ltda.
Inversiones Bucarelia
Inversiones Cota
Inversiones el Bambu Ltda.
Inversiones Flores del Alto
Inversiones Maya
Inversiones Morcote
Inversiones Morrosquillo
Inversiones Playa
Inversiones & Producciones Tecnica
Inversiones Santa Rita Ltda.
Inversiones Silma
Inversiones Sima
Inversiones Supala S.A.
Inversiones Valley Flowers Ltda.
Iturrama S.A.
Jardin de Carolina
Jardines de America
Jardines Choconta
Jardines Darpu
Jardines de Timana
Jardines Natalia Ltda.
Jardines Tocarema
J.M. Torres
Karla Flowers
Kingdom S.A.
La Colina
La Embairada
La Flores Ltda.
La Floresta
La Plazoleta Ltda.
Las Amalias Group
Las Amalias S.A.
Pompones Ltda.
La Fleurette de Colombia Ltda.
Ramiflora Ltda.
Las Flores
Laura Flowers
L.H.
Linda Colombiana Ltda.
Loma Linda
Loreana Flowers
Los Geranios Ltda.
Luisa Flowers
M. Alejandra
Manjui Ltda.
Mauricio Uribe
Maxima Group
Agricola los Arboles S.A.
Colombian D.C. Flowers
Polo Flowers
Rainbow Flowers
Maxima Farms Inc.
Merastec
Monteverde Ltda.
Morcoto
Nasino
Natuflora Ltda../San Martin Bloque B
Olga Rincon
Oro Verde Group
Inversiones Miraflores S.A.
Inversiones Oro Verde S.A.
Otono
Papagayo Group
Agricola Papagayo
Inversiones Calypso S.A.
Petalos de Colombia Ltda.
Pinar Guameru
Piracania
Pisochago Ltda.
Plantaciones Delta Ltda.
Plantas S.A.
Prismaflor
Propagar Plantas S.A.
Queens Flowers Group
Agroindustrial del Rio Frio
Flores Calima S.A.
Flores Canelon Ltda.
Flores de Bojaca Ltda.
Flores del Cacique
Flores del Hato
Flores el Aljibe S.A.
Flores el Cipres Ltda.
Flores la Mana S.A.
Flores la Valvanera Ltda.
Flores las Acacias Ltda.
Flores Ubate Ltda.
Jardines de Chia Ltda.
Jardines del Rosal Ltda.
Florval S.A.
M.G. Consultores Ltda.
Queens Flowers de Colombia Ltda.
Jardines Fredonia Ltda.
Jardines Piracanta
Reme Salamanca
Rosa Bella
Rosaflor
Rosales de Colombia Ltda.
Rosales de Suba Ltda.
Rosas Sabanilla Group

Flores la Colmena Ltda.
Rosas Sabanilla Ltda.
Inversiones la Serena
Agricola la Capilla
Rosas y Jardines
Rose
Rosex Ltda.
Sabana Group
Flores de la Sabana S.A.
Roselandia S.A.
San Ernesto
San Valentine
Sansa Flowers
Santa Rosa Group
Flores Santa Rosa Ltda.
Floricola la Ramada Ltda.
Santana Flowers Group
Santana Flowers
Hacienda Curibital Ltda.
Inversiones Istra Ltda.
Sarena
Select Pro
Senda Brava Ltda.
Shasta Flowers y Compania Ltda.
Shila
Siempreviva
Soagro Group
Agricola el Mortino Ltda.
Flores Aguaclara Ltda.
Flores del Monte Ltda.
Flores la Estancia
Jaramillo y Daza
Solor Flores Ltda.
Starlight
Sunbelt Florals
Superflora Ltda.
Susca
Sweet Farms
Tag Ltda.
The Beall Company
The Rose
Tikiya Flowers
Tinzuque Group
Tinzuque Ltda.
Catu S.A.
Tomino
Tropical Garden
Tuchany Group
Tuchany S.A.
Flores Sibate
Flores Tikaya
Flores Munya
Uniflor Ltda.
Vegaflor
Velez de Monchaux Group
Velez de Monchaux e Hijos y Cia S. en C.
Agroteusa
Victoria Flowers
Villa Cultivos Ltda.
Villa Diana
Vuelven Ltda.
Zipa Flowers

The following exporters/growers have requested revocation from the antidumping duty order:

Floricola la Gaitana S.A.
Clavecol Group
Claveles Colombianos Ltda.
Elegant Flowers Ltda.
Fantasia Flowers Ltda.
Splendid Flowers Ltda.
Sun Flowers Ltda.

The Department has also received a request to review and determine whether there has been absorption of antidumping duties within the meaning of section 751(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

This initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: April 15, 1998.

Gary Taverman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 98–10574 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India: Final Results of New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of new shipper antidumping duty administrative review.

SUMMARY: On January 23, 1998, the Department of Commerce published the preliminary results of the new shipper administrative review of the antidumping duty order on stainless steel bar from India. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made certain changes for the final results.

This review covers two producers/exporters of stainless steel bar to the United States during the period February 1, 1996, through January 31, 1997. The review indicates no dumping margins during the review period.

EFFECTIVE DATE: April 21, 1998.

FOR FURTHER INFORMATION CONTACT: Zak Smith or James Breeden, Import Administration, AD/CVD Enforcement Group I, Office 1, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–1279 or 482–1174, respectively.

Applicable Statute and Regulations

The Department of Commerce (''the Department'') is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (''the Act''). Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to those codified at 19 CFR Part 353 (April 1997).

SUPPLEMENTARY INFORMATION:

Background

On January 23, 1998, the Department of Commerce published the preliminary results of the new shipper administrative review of the antidumping duty order on stainless steel bar from India (63 FR 3536) (''preliminary results''). The manufacturers/exporters in this review are Panchmahal Steel Limited (''Panchmahal'') and Ferro Alloys Corporation Limited (''Facor''). We received comments from Panchmahal and rebuttal comments from the petitioners [1] (see, Interested Party Comments, below).

Scope of the Review

Imports covered by this review are shipments of stainless steel bar. The term ''stainless steel bar'' means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (i.e., cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness or if 4.75 mm or more in thickness have a width which exceeds 150 mm and measures at least twice the thickness), wire (i.e., cold-formed products in coils, of any uniform solid

[1] Al Tech Specialty Steel Corp., Carpenter Technology Corp., Crucible Specialty Metals Division, Crucible Materials Corp., Electralloy Corp., Republic Engineered Steels, Slater Steels Corp., Talley Metals Technology, Inc. and the United Steelworkers of America (AFL-CIO/CLC).

cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The stainless steel bar subject to these orders is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Interested Party Comments

In accordance with 19 CFR 353.38, we invited interested parties to comment on our preliminary results. We received written comments from Panchmahal and rebuttal comments from the petitioners.

Comment 1: Model Matches

Panchmahal disagrees with the Department's preliminary decision to compare its U.S. sales of 304L grade bar to its home market sales of 316 grade bar. Rather, Panchmahal argues that the Department should compare the U.S. sales of 304L grade bar to its home market sales of 304 grade bar.

The petitioners rebut that hot-rolled 304 grade bar and cold-finished 304L grade bar are not comparable because of differences in these grades' production costs. Furthermore, the petitioners assert that the differences in variable costs between 304 grade bar and 304L grade bar reported by Panchmahal are too low and thus must be flawed, given the different production processes of the two grades. Accordingly, the Department should use constructed value (''CV'') as the basis for normal value.

Department's Position

We agree with Panchmahal. Based on its chemical composition, we have determined that grade 304L bar is more appropriately matched to grade 304 bar than grade 316 bar. Specifically, grade 304L bar and 304 bar are more comparable based on their chrome and nickel content. Moreover, grade 316 bar contains molybdenum, while grades 304L and 304 bar do not.

In regard to petitioners' argument to use CV as a basis of normal value, it is the Department's normal practice to use contemporaneous home market sales of the foreign like product, before resorting to CV, as a basis for normal value unless those sales fail the difference in merchandise test. Because the home market bar sales are sales of foreign like product that do not fail the difference in merchandise test and that match to U.S. sales, use of constructed value would be inappropriate. Based on our general knowledge of the production processes involved, the reported differences in variable costs are not unreasonable.

Comment 2: Duty Drawback

Panchmahal asserts that the Department, in Certain Welded Carbon Standard Steel Pipes and Tubes from India (62 FR 47632 (September 10, 1997)) (''Pipes and Tubes''), has found that the Indian Passbook Scheme is a proper duty drawback program. Thus, in this case, the Department should allow an upward adjustment to U.S. price in the amount of the duty drawback received on exports of the subject merchandise. The respondent also states that it fully answered the Department's supplemental questions regarding the duty drawback benefit under this scheme; therefore, the Department's rejection of the adjustment in the preliminary results is groundless. In particular, Panchmahal argues that the Indian Passbook Scheme meets the criteria used by the Department when analyzing duty drawback programs because the duty drawback is based on duties paid with respect to imported inputs actually used in the production of the subject merchandise.

The petitioners maintain that the Panchmahal's use of the Indian Passbook Scheme fails the Department's two-part test for drawback claims because the respondent did not provide documentation establishing: (1) A direct link between the duties imposed and those rebated, and (2) that the company imported a sufficient amount of raw materials to account for the drawback received. The petitioners assert that the evidence on the record supports the Department's decision to reject Panchmahal's claimed duty drawback adjustment. Specifically, petitioners argue that Panchmahal's claim for a duty drawback adjustment is based merely on the existence of the Indian Passbook Scheme. They state that the existence of a drawback program does not guarantee acceptance of the adjustment by the Department; rather, the company's specific utilization of the scheme must be examined. According to the petitioners, the lack of a direct link between duties paid on imported inputs and duties rebated on exported finished products under the program, and the failure by Panchmahal to provide any details on its imports should compel the Department to reject the company's request for an upward adjustment to U.S. price.

Department's Position

When evaluating a duty drawback program, the Department considers whether the import duty and duty drawback are directly linked to, and dependent upon, one another and whether the company claiming the adjustment can show that there were sufficient imports of the imported raw materials to account for the drawback received on the exported product (see, Pipes and Tubes, at 47634).

Panchmahal has not provided adequate documentation establishing a sufficient link between import duties paid and duty drawbacks generally received under the program. Moreover, there is no indication that Panchmahal imported inputs in sufficient quantities to account for rebates received under the program. Accordingly, as in the preliminary results, no adjustment to the U.S. price for duty drawback has been made.

Comment 3: Duty Drawback Adjustment to Material Costs

Panchmahal argues that its material costs should be reduced by the amount of reported duty drawback. Panchmahal refers to Stainless Steel Bar from India (62 FR 60482 (November 10, 1997)), in support of its position.

Petitioners contend that since the Passbook Scheme does not require direct linkage between import duties paid and rebates received on exported products, the rebates cannot be linked to the material costs incurred. Petitioners further argue that since Panchmahal has failed to report the actual amount of import duties paid, the Department is unable to ensure that the claimed adjustment to material input costs does not exceed the amount of import duties paid.

Petitioners also assert that Panchmahal mischaracterized the Department's determination in Stainless Steel Bar from India (62 FR 60482 (November 10, 1997)) (''Bar from India''), which states that the Department offset the per unit direct materials cost to account for the rebates received only on those sales where constructed value was the basis for normal value. The petitioners maintain that since normal value was not based on constructed value for Panchmahal, no adjustment should be made to the reported materials costs.

Department's Position

Respondent's comment is moot because we did not use constructed value as the basis for normal value.

Final Results of Review

As a result of this review, we find that the following margins exist for the period February 1, 1996, through January 31, 1997:

Manufacturer/ exporter	Period	Margin (percent)
Panchmahal ..	2/1/96–1/31/97	0
Facor	2/1/96–1/31/97	0

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. The results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the review and for future deposits of estimated duties for the manufacturers/ exporters subject to this review. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the period of review (''POR'') to the total value of subject merchandise entered during the POR. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of this new shipper administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rates established in the final results of this new shipper review; (2) for companies not covered in this review, but covered in previous reviews or the original less-than-fair-value investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the most recent rate established for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the original investigation, the cash deposit rate will be the ''all others'' rate of 12.45 percent established in the final determination of sales at less than fair value (59 FR 66915, December 28, 1994).

These deposit requirements will remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/ destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This new shipper review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1)), 19 CFR 353.22.

Dated: April 13, 1998.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–10415 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

The Ohio State University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97–103. Applicant: The Ohio State University, Columbus, OH 43210. Instrument: Electron Microscope, Model CM200. Manufacturer: Philips, The Netherlands. Intended Use: See notice at 63 FR 5364, February 2, 1998. Order Date: July 10, 1997.

Docket Number: 98–005. Applicant: University of California, Davis, Davis, CA 95618. Instrument: Electron Microscope, Model LEEM III. Manufacturer: Elmitec Elektronenmikroskopie GmbH, Germany. Intended Use: See notice at 63 FR 11870, March 11, 1998. Order Date: December 3, 1996.

Docket Number: 98–012. Applicant: University of New Orleans, New Orleans, LA 70148. Instrument: Electron Microscope, Model JEM–2010. Manufacturer: JEOL, Ltd., Japan. Intended Use: See notice at 63 FR 12451, March 13, 1998. Order Date: January 8, 1998.

Docket Number: 98–014. Applicant: University of Wisconsin-Eau Claire, Eau Claire, WI 54702–4004. Instrument: Electron Microscope, Model JEM–2010. Manufacturer: JEOL, Ltd., Japan. Intended Use: See notice at 63 FR 12452, March 13, 1998. Order Date: December 1, 1997.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98–10412 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Nebraska-Lincoln; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97–102. Applicant: University of Nebraska-Lincoln, Lincoln, NE 68588–0347. Instrument: Scanning Acoustic Microscope, Model KSI SAM 2000. Manufacturer: Kramer Scientific Instruments, Germany.

Intended Use: See notice at 63 FR 5364, February 2, 1998.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides micron-scale resolution using operation at 1.0 GHz for local stiffness analysis of materials. The National Aeronautics and Space Administration advised March 26, 1998 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98–10411 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 98–019. Applicant: University of Minnesota, Department of Neurosurgery, Lions Research Building, 2001 Sixth Street, S.E., #421, Minneapolis, MN 55455. Instrument: Eye Tracking System. Manufacturer: Thomas Recording, Germany. Intended Use: The instrument is intended to be used to record eye movements in studies of how the brain processes visual information to move our limbs. The experiments require recording eye movements and arm movements and at the same time recording from brain cells in a monkey during visually guided movements. Application accepted by Commissioner of Customs: March 31, 1998.

Docket Number: 98–020. Applicant: North Carolina State University, Campus Box 7212, Raleigh, NC 27695–7212. Instrument: Mini 4–Pocket E-Beam Evaporator, Model EGC04. Manufacturer: Oxford Applied Research, United Kingdom. Intended Use: The instrument is intended to be incorporated into a new type of electron microscope system which will be used for studies of the phenomena of epitaxial layer growth of electronic materials. The research will explore how films nucleate on different surfaces, and how strain is relaxed between films of different lattice constant. In addition, the instrument will be used in the course PY 699, Independent Research Studies to introduce graduate students into the techniques of research. Application accepted by Commissioner of Customs: April 1, 1998.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98–10413 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC); Meeting

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Environmental Technologies Trade Advisory Committee will hold a plenary meeting on May 1, 1998. The ETTAC was created on May 31, 1994, to advise the U.S. government on policies and programs to help expand U.S. exports for environmental products and services.

Date and Place: May 1, 1998, 8:30 a.m. to 5 p.m. The meeting will take place in Room 1414 of the Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

This is the first formal meeting of the newly appointed ETTAC. The focus of the meeting will be an orientation and introduction of new members. Among anticipated discussion items include committee priorities (eg., setting a work plan), selection of new officers, and the status of ongoing priorities (eg., APEC trade liberalization, Climate Change, and water strategy and finance).

This program is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Sage Chandler, Department of Commerce, Room 1004, Washington, DC 20230. Seating is limited and will be on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Sage Chandler with The Office of Environmental Technologies Exports, Room 1003, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, phone (202) 482–5225, facsimile (202) 482–5665, TDD (800) 833–8723.

Dated: April 9, 1998.

Anne L. Alonzo,

Deputy Assistant Secretary for Environmental Technologies Exports.

[FR Doc. 98–10407 Filed 4–16–98; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Notice of Termination of Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of termination of panel review.

SUMMARY: A Notice of Consent Motion to Terminate the Panel Review of the final countervailing determination made by the Secretaria de Comercio y Fomento Industrial, respecting Hydrogen Peroxide Originating in the USA was filed by Electroquimica Mexicana S.A. de C.V. on November 24, 1997. The same company filed the First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free-Trade Agreement. This panel review was assigned Secretariat File Number MEX–97–1904–01 by the Mexican Section. Pursuant to Rule 71(2) of the Rules of Procedure for Article 1904 Binational Panel Review, this panel review was terminated on December 22, 1997.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue,

Washington, D.C. 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The Panel Review in this matter was conducted in accordance with these Rules.

Dated: April 9, 1998.

James R. Holbein,

United States Secretary, NAFTA Secretariat.

[FR Doc. 98–10434 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–GT–M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

[Docket No. 980320072–8072–01]

Solicitation of Minority Business Development Center Applications for Miami/Ft. Lauderdale, Raleigh/Durham, San Antonio, El Paso, Statewide New Mexico, Philadelphia, Williamsburg, Seattle, Honolulu and San Jose; Correction

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice; Correction.

SUMMARY: The Minority Business Development Agency (MBDA) published a document in the **Federal Register** of March 27, 1998, concerning solicitation of competitive applications from organizations to operate the Minority Business Development Centers (MBDC) listed in that document. This document removes the Statewide New Mexico MBDC from that list because MBDA has determined it was not necessary to solicit applications for this location.

FOR FURTHER INFORMATION CONTACT: John Iglehart, Regional Director at (214) 767–8001.

Correction: In the **Federal Register** issue of March 27, 1998, in FR Doc. 98–801, on page 14900 (and continuing on page 14901), in the third column, remove the paragraph numbered 6. On page 14901, second column in the **SUPPLEMENTARY INFORMATION**, first paragraph, remove the words, ''Statewide New Mexico,''.

11.800 Minority Business Development Center

(Catalog of Federal Domestic Assistance)

Dated: April 15, 1998.

Juanita E. Berry,

Federal Register Liaison Officer, Minority Business Development Agency.

Paul R. Webber,

Assistant Director, Minority Business Development Agency.

[FR Doc. 98–10409 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Alaska Region Logbook Family of Forms

ACTION: Proposed Collection; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 22, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patsy A. Bearden, F/AK01, NOAA/NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907–586–7228).

SUPPLEMENTARY INFORMATION:

I. Abstract

Participants in the groundfish fishery in the Alaska Region are required to report certain information to the National Marine Fisheries Service (NMFS). The information obtained is used for the monitoring and management of the groundfish fisheries of the Exclusive Economic Zone off Alaska for purposes of conservation of the fisheries as well as for the enforcement of fisheries regulations.

II. Method of Collection

Forms are used for all requirements: Catch and effort logbooks, production logbooks and reports, product transfer reports, vessel activity reports, and check-in/check-out reports. Copies of some reports must be sent via facsimile to NMFS.

III. Data

OMB Number: 0648–0213.

Form Number: None.

Type of Review: Regular Submission.

Affected Public: Individuals, Business and other for-profit (commercial fishermen, fish processors).

Estimated Number of Respondents: 1,336.

Estimated Time Per Response: 23 minutes for buying station daily cumulative logbook, 30 minutes for catcher/processor daily cumulative production logbook, 31 minutes for mothership daily cumulative production logbook, 24 minutes for shoreside processor daily cumulative production logbook, 18 minutes for daily fishing logbook, 17 minutes for weekly production report, 11 minutes for daily production report, 11 minutes for product transfer report, 7 minutes for catcher/processor or mothership check-in/out, 5 minutes for buying station check-in/out, 8 minutes for shoreside processor check-in/out, 14 minutes for U.S. vessel activity report, and 35 minutes for submission of state fish tickets.

Estimated Total Annual Burden Hours: 46,659 hours.

Estimated Total Annual Cost to Public: $0—no capital, operations, or maintenance costs are expected.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the

use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 15, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–10451 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Pacific Tuna Fisheries

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 22, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, California 90802, telephone 310–980–4040.

SUPPLEMENTARY INFORMATION:

I. Abstract

United States participation in the Inter-American Tropical Tuna Commission (IATTC) results in certain recordkeeping requirements for U.S. fishermen who fish in the IATTC's area of management responsibility. These fishermen must maintain a log of all operations conducted from the fishing vessel, including the date, noon position, and the tonnage of fish aboard the vessel, by species. The logbook form provided by the IATTC is universally used by U.S. fishermen to meet this recordkeeping requirement, as permitted by the regulations. Information in the logbooks includes areas of operation and catch and effort by area. Logbook data are used in stock assessments and other research concerning the fishery. If the data were not collected or if erroneous data were provided, the IATTC assessments would likely be incorrect and there would be an increased risk of overfishing or inadequate management of the fishery.

II. Method of Collection

Vessel operators maintain bridge logs on a daily basis, and the forms are collected by the IATTC at the completion of each trip. The data are processed by the IATTC.

III. Data

OMB Number: 0648–0148.

Form Number: None.

Type of Review: Regular submission

Affected Public: Individuals, businesses or other for-profit.

Estimated Number of Respondents: 20.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 352.

Estimated Total Annual Cost to Public: $0 (no capital expenditures).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 15, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–10452 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041598B]

Federal Investment Task Force; Public Meeting

AGENCY: National Marine fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Sustainable Fisheries Act (SFA) requires the Secretary of Commerce (Secretary) to establish a task force to study the role of the Federal Government in subsidizing fleet capacity and influencing capital investment in fisheries. The Federal Investment Task Force will hold its third meeting on May 7 through May 9, 1998, in Seattle, WA.

DATES: The meeting of the task force will be held May 7 through May 9, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meeting will be held at the Hotel Monaco, 1101 Fourth Avenue at Spring Street, Seattle, WA 98101; telephone (800) 945–2240.

FOR FURTHER INFORMATION CONTACT: John Reisenweber, Atlantic States Marine Fisheries Commission, (301) 713–2363; fax: (301) 713–1875; email: john.reisenweber@noaa.gov; or Matteo Milazzo, (301) 713–2276.

SUPPLEMENTARY INFORMATION:

Meeting Dates

May 7, 1998, 10:00 a.m. to 5:00 p.m.

The Task Force will review the Federal programs that were discussed at the previous meeting. The review will include a discussion of the influence that these programs have had on capacity and capitalization of fishing fleets.

May 7, 1998, 7:00 p.m. to 9:00 p.m.

The Task Force will hear public input regarding the Federal Investment Study. The public is encouraged to comment on the general scope and concept of the study, as well as on the effect of Federal programs on the capacity and capitalization of fishing fleets.

May 8, 1998, 8:30 a.m. to 6:00 p.m.

The Task Force will review the comments received at the public meeting. The Task Force will also review the working papers that have been updated and developed since the last meeting.

May 9, 1998, 8:30 a.m. to 2:00 p.m.

The Task Force will continue to review and further discuss the influence

of other Federal programs and policies on capacity and capitalization in the fishing fleet. The Task Force will also determine the subjects and topics to be included on the agenda for the next meeting.

Special Accommodations

The meeting is physically accessible to those with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed at John Reisenweber at (301) 713–2363 at least 5 days prior to the meeting date.

Dated: April 15, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–10516 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Turkey

April 15, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: April 21, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for swing, carryover, carryforward, special shift and recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67839, published on December 30, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 15, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 22, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Turkey and exported during the twelve-month period which began on January 1, 1998 and extends through December 31, 1998.

Effective on April 21, 1998, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing (ATC):

Category	Twelve-month limit [1]
Fabric Group	
219, 313, 314, 315, 317, 326, 617, 625/626/627/628/629, as a group.	166,793,151 square meters of which not more than 40,184,564 square meters shall be in Category 219; not more than 49,114,466 square meters shall be in Category 313; not more than 28,575,690 square meters shall be in Category 314; not more than 38,398,585 square meters shall be in Category 315; not more than 40,184,564 square meters shall be in Category 317; not more than 4,464,950 square meters shall be in Category 326, and not more than 26,789,711 square meters shall be in Category 617.
Sublevel in Fabric Group	
625/626/627/628/629	18,089,753 square meters of which not more than 8,538,363 square meters shall be in Category 625; not more than 7,235,901 square meters shall be in Category 626; not more than 7,235,901 square meters shall be in Category 627; not more than 7,235,901 square meters shall be in Category 628; and not more than 7,235,901 square meters shall be in Category 629.
Limits not in a group	
335	290,989 dozen.
338/339/638/639	5,907,500 dozen of which not more than 4,214,201 dozen shall be in Categories 338–S/339–S/638–S/639–S [2].
350	652,031 dozen.
351/651	919,577 dozen.
361	2,013,921 numbers.
410/624	1,302,343 square meters of which not more than 793,896 square meters shall be in Category 410.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1997.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020; Category 638–S: all HTS numbers except 6109.90.1007, 6109.90.1009, 6109.90.1013 and 6109.90.1025; Category 639–S: all HTS numbers except 6109.90.1050, 6109.90.1060, 6109.90.1065 and 6109.90.1070.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–10443 Filed 4–20–98; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The Going to Space Vehicles and Lift Panel Meeting in support of the HQ USAF Scientific Advisory Board will meet at ANSER, Arlington, VA on May 20–21, 1998 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to gather information and receive briefings for the Air Force Scientific Advisory Board 1998 Summer Study.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697–8404.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–10497 Filed 4–20–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Chief Financial and Chief Information Officer, Office of the Chief Financial and Chief Information Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 21, 1998.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Chief Financial and Chief Information Officer, Office of the Chief Financial and Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: April 15, 1998.

Donald Rappaport,

Chief Financial and Chief Information Officer, Office of the Chief Financial and Chief Information Officer.

Office of Management

Type of Review: Extension.

Title: Streamlined Process for Education Department General Administrative Regulations (EDGAR) Approved Grant Applications.

Frequency: Annually.

Affected Public: Businesses or other for-profits; Not-for-profit institutions; State, Local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden: Responses: 1; Burden Hours: 1.

Abstract: Since April 1997, EDGAR's menu of selection criteria became effective. For each competition, the Secretary would select one or more criteria that best enable the Department to identify the highest quality applications consistent with the program purpose, statutory requirements, and any priorities established. This allows the Secretary the flexibility to weigh the criteria according to the needs of each individual program. This menu of selection criteria will provide the Department the flexibility to choose a set of criteria tailored to a given competition and obviate the need to create specific selection criteria through individual program regulations. The Department is requesting a streamlined process for programs of approved applications who choose to change: (1) Criteria from the same EDGAR menu, (2) old EDGAR to new EDGAR criteria, or (3) program criteria to EDGAR criteria.

Office of the Under Secretary

Type of Review: Reinstatement.

Title: Application for Federal Education Assistance (AFEA).

Frequency: Annually.

Affected Public: Individuals or households; Not-for-profit institutions; State, Local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 15,550; Burden Hours: 4,404.

Abstract: Need to collect information necessary for the processing of various Department of Education grant program's application packets from State and local educational agencies, institutions of higher education. Information is used by program offices to determine eligibility and facilitate distribution of program funds.

[FR Doc. 98–10450 Filed 4–20–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Fernald

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Fernald.

DATES: Saturday, May 16, 1998: 8:30 a.m.–12:30 p.m. (public comment session: 12:15 a.m.–12:30 p.m.)

ADDRESSES: Alpha Building, 10967 Hamilton-Cleves Highway, Harrison, Ohio.

FOR FURTHER INFORMATION CONTACT: John S. Applegate, Chair of the Fernald Citizens' Advisory Board, P.O. Box 544, Ross, Ohio 45061, or call the Fernald Citizens' Advisory Board office (513) 648–6478.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the site.

Tentative Agenda

8:30 a.m. Call to Order
8:30–8:50 Opening Remarks
8:50–9:20 Waste Control Specialist Injunction
9:20–9:35 FY 2000 Priorities
9:35–10:35 Native American Reinterment
10:35–10:45 Break
10:45–11:45 Closure Fund Management Plan
11:45–12:15 Committee Updates
12:15–12:30 Public Comment
12:30 p.m. Adjourn

A final agenda will be available at the meeting, Saturday, May 16, 1998.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer, Gary Stegner, Public Affairs Officer, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to John S. Applegate, Chair, the Fernald Citizens' Advisory Board, P.O. Box 544, Ross, Ohio 45061 or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC on April 16, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–10512 Filed 4–20–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, ID

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Engineering and Environmental Laboratory (INEEL).

DATES: Tuesday, May 19, 1998 from 8:00 a.m. to 6:00 p.m., Mountain Standard Time (MST); Wednesday, May 20, 1998 from 8:00 a.m. to 5:00 p.m. MDT. There will be public comment sessions on Tuesday, May 19, 1998 from 5:00 p.m. to 6:00 p.m. MDT and Wednesday, May 20, 1998 from 1:00 p.m. to 1:30 p.m. MDT.

ADDRESSES: The Westin Plaza, 1350 Blue Lakes Boulevard North, Twin Falls, Idaho.

FOR FURTHER INFORMATION CONTACT: INEEL Information (1–800–708–2680) or Wendy Green Lowe, Jason Associates Corp. (208–522–1662) or visit the Board's Internet homepage at http://www.ida.net/users/cab.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Finalization of recommendations on the Proposed Plan for Waste Area Group 1 (WAG 1); and the Draft Plutonium Fact Sheet;

Recommendation on the selection of a preferred site for the Surplus Plutonium Disposition Environmental Impact Statement;

Status reports on the Pit 9 Work Plan, the Resource Conservation and Recovery Act permits for the calciner at the Idaho Chemical Processing Plant and the Advanced Mixed Waste Treatment Project, the Plutonium and Americium detected in the groundwater near the Radioactive Waste Management Complex, and the Spent Nuclear Fuel program;

Presentations on the Voluntary Consent Order, the 100-Year Flood Plain Report, and the Deactivation and Decommissioning Program;

Election for the Board's Idaho site Chair and Vice-Chair positions;

Amendments to the Board's Idaho site procedures, and conduct the bi-annual priority-setting exercise.

For a most current copy of the agenda, contact Woody Russell, DOE-Idaho, (208) 526–0561, or Wendy Green Lowe, Jason Associates Corp., (208) 522–1662. The final agenda will be available at the meeting.

Public Participation: The two-day meeting is open to the public, with public comment sessions scheduled for Tuesday, May 19, 1998 from 5:00 p.m. to 6:00 p.m. MDT and Wednesday, May 20, 1998 from 1:00 p.m. to 1:30 p.m. MDT. The Board will be available during this time period to hear verbal public comments or to review any written public comments. If there are no members of the public wishing to comment or no written comments to review, the board will continue with its current discussion. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the INEEL Information line or Wendy Green Lowe, Jason Associates Corp., at the addresses or telephone numbers listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Charles M. Rice, INEEL Citizens' Advisory Board Chair, 477 Shoup Ave., Suite 205, Idaho Falls, Idaho 83402 or by calling Wendy Green Lowe, the Board Facilitator, at (208) 522–1662.

Issued at Washington, DC on April 16, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–10513 Filed 4–20–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 98–12–NG]

Office of Fossil Energy: Enron Capital & Trade Resources Corp.; Order Granting Long-Term Authorization to Import Natural Gas from Canada

AGENCY: Office of Fossil Energy, DOE.
ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Enron Capital & Trade Resources Corp. long-term authorization to import up to 3.31 billion cubic feet (Bcf) of natural gas per year from Canada. The term of the authorization is for a period of 10 years commencing November 1, 1998, through October 31, 2008, or for 10 years after the commencement of deliveries if deliveries begin after November 1, 1998. This gas may be imported from Canada at the interconnection of the TransCanada PipeLines Limited and National Fuel Gas Supply Corporation near Niagara Falls, New York or other alternative points on the United States/Canada border.

This order is available for inspection and copying in the Office of Natural Gas & Petroleum Import and Export Activities docket room, 3E–033, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., April 14, 1998.

John W. Glynn,

Manager, Natural Gas Regulation, Office of Natural Gas and Petroleum Import and Export Activities, Office of Fossil Energy.

[FR Doc. 98–10492 Filed 4–20–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–337–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

April 15, 1998.

Take notice that on April 7, 1998, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP98–337–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a new sales tap in Pennsylvania under National Fuel's blanket certificate issued in Docket No. CP83–4–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

National Fuel proposes to construct and operate a sales tap for delivery of approximately 110 Dth per day of gas to clarion River Gas Company (CRG). The cost is estimated at $15,000. National Fuel States that the proposed sales tap will be located on its Line Q–M95 in Barnett Township, Forest County, Pennsylvania.

National Fuel states that this addition is not prohibited by its existing tariff, that there is sufficient capacity to accomplish deliveries without detriment or disadvantage to other customers, that its peak day and annual deliveries will not be affected and that the total volumes delivered will not exceed the total volumes authorized prior to this request.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–10446 Filed 4–20–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–345–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

April 15, 1998.

Take notice that on April 10, 1998, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP98–345–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to install and operate a new delivery point in Wright County, Minnesota, to accommodate natural gas deliveries to UtiliCorp United Inc. (UCU), under Northern's blanket certificate issued in Docket No. CP82–401–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northern states that the proposed volumes to be delivered for UCU at the proposed delivery point are 2 MMBtu on a peak day and 120 MMBtu on an annual basis. Northern also states that the service will be provided to UCU pursuant to currently effective throughput service agreement(s). Northern estimates the cost of constructing the proposed delivery point to be $6,415.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–10447 Filed 4–20–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–339–001]

Total Peaking Services, L.L.C.; Notice of Initial Tariff Filing

April 15. 1998.

Take notice that on February 25, 1998, Total Peaking Services, L.L.C. (TPS) filed its FERC Gas Tariff, Original Volume No. 1 to be effective April 1, 1998. TPS states that the purpose of the

filing is to comply with the Commission's November 25, 1997, order which was issued in Docket No. CP96–339–000 and required TPS to file a tariff specifying the terms and conditions under which it will offer open access storage service at an existing liquid natural gas (LNG) peak-shaving facility at Milford, Connecticut. TPS's tariff provides for four types of open access storage service: (1) A firm liquefaction, storage, and vaporization service under Rate Schedule LSV; (2) a firm LNG storage service under Rate Schedule LNG; (3) an interruptible liquefaction, storage and vaporization service under Rate Schedule LSV–1; and (4) an interruptible LNG storage service under Rate Schedule LNG–1. TPS's tariff also permits it to charge market-based rates.

The Commission's letter of March 31, 1998, stated that TPS's February 25, 1998, filing, as well as its initial application, does not contain sufficient information to approve either cost-based rates that comply with Part 284 or market-based rates, and that accordingly, the February 25, 1998, filing was not accepted for filing to be effective April 1, 1998, as requested. The Commission in that letter required TPS to provide an updated market study to support its request for market-based rates and required that TPS clarify why it proposed to establish rate schedules for liquefaction, storage and vaporization service and separate rate schedules for LNG storage service. The Commission in that letter indicated that the tariff sheets would be retained and that they would be construed as pro forma sheets.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before April 27, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–10448 Filed 4–20–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 8924–030 and 11055–021]

Northeast Hydrodevelopment Corp., Wilton Hydro Electric Company; Notice of Availability of Draft Environmental Assessment

April 15, 1998.

A draft environmental assessment (DEA) is available for public review. The DEA is for two applications to surrender the licenses for the McLane Dam Hydroelectric Project and the Wilton Hydroelectric Project. The Projects are located on the Souhegan River in Hillsboro County, New Hampshire.

The DEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the DEA can be viewed in the Public Reference Branch, Room 2A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

Please submit any comments within 30 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to David P. Boergers, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix Project Nos. 8924–030 and 11055–021 to all comments. For further information, please contact the project manager, Ms. Rebecca Martin, at (202) 219–2650.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–10449 Filed 4–20–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project—Proposed Firm Power Service Base Charge

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed Base Charge adjustment.

SUMMARY: The Western Area Power Administration (Western) Desert Southwest Region (DSW) is announcing the fiscal year (FY) 1998 annual rate adjustment process for FY 1999 Revenue Requirements and Rates under Rate Order WAPA–70 for firm power service for the Boulder Canyon Project (BCP). The annual rate adjustments are a requirement of the ratesetting methodology of WAPA–70 which was approved on a final basis by the Federal Energy Regulatory Commission (FERC) on April 19, 1996. The existing rate schedule was placed into effect on November 1, 1995. The power repayment study indicates the proposed Base Charge herein for BCP firm power service is necessary to provide sufficient revenue to pay all annual costs (including interest expense), plus repayment of required investment within the allowable time period. The proposed Base Charge for firm power service is expected to become effective October 1, 1998. This **Federal Register** notice initiates the formal process for the proposed Base Charge.

DATES: Submit comments on or before July 20, 1998.

The forums dates are:

1. Public information forum, May 14, 1998, 10:30 a.m. MST, Phoenix, Arizona.

2. Public comment forum, June 11, 1998, 10:30 a.m. MST, Phoenix, Arizona.

ADDRESSES: Written comments should be sent to, Mr. J. Tyler Carlson, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457. The public forums will be held at the Desert Southwest Regional Office, 615 South 43rd Avenue, Phoenix, Arizona.

FOR FURTHER INFORMATION CONTACT: Mr. Maher A. Nasir, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, telephone (602) 352–2768.

SUPPLEMENTARY INFORMATION: In accordance with established rate design principles for the BCP, Western has established a proposed Base Charge, consisting of an Energy Dollar and Capacity Dollar, and has established a Forecast Energy Rate and Forecast Capacity Rate. The proposed Base Charge for BCP firm power is based on an Annual Revenue Requirement of $49,728,625. The proposed Base Charge consists of an Energy Dollar (energy component) amount of $26,439,847 and a Capacity Dollar (capacity component) amount of $23,288,777. The Forecast (proposed) Energy Rate is 5.3242 mills/kilowatthour (mills/kWh), and the Forecast (proposed) Capacity Rate is $0.9947 per kilowatt per month ($/kWmo).

The existing BCP firm power Base Charge is based on an Annual Revenue

Requirement of $43,479,183, consisting of an Energy Dollar (energy component) amount of $22,527,359 and a Capacity Dollar (capacity component) amount of $20,951,824. The existing BCP energy rate is 4.41 mills/kWh and capacity rate is $0.89/kWmo.

Authorities

Since the proposed rates constitute a major rate adjustment as defined by the procedures for public participation in general rate adjustments, as cited below, both a public information forum and a public comment forum will be held. After review of public comments, Western will recommend proposed charges/rates for approval on a final basis by the Deputy Secretary of DOE pursuant to Rate Order No. WAPA–70.

The power rates for the BCP are established pursuant to the Department of Energy Organization Act (42 U.S.C.7101, *et seq.*), the Reclamation Act of 1902 (43 U.S.C. 391, *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), the Colorado River Basin Project Act of 1968 (43 U.S.C. 1501, *et seq.*), the Colorado River Storage Project Act (43 U.S.C. 620, *et seq.*), the Boulder Canyon Project Act (43 U.S.C. 617, *et seq.*), the Boulder Canyon Project Adjustment Act (43 U.S.C. 618, *et seq.*), the Hoover Power Plant Act of 1984 (43 U.S.C. 619, *et seq.*), the General Regulations for Power Generation, Operation, Maintenance, and Replacement at the BCP, Arizona/Nevada (43 CFR Part 431) published in the **Federal Register** at 51 FR 23960 on July 1, 1986, and the General Regulations for the Charges for the Sale of Power From the BCP, Final Rule (10 CFR Part 904) published in the **Federal Register** at 50 FR 37837 on September 18, 1985, and the DOE financial reporting policies, procedures, and methodology (DOE Order No. RA 6120.2 dated September 20, 1979).

By Amendment No. 3 to Delegation Order No. 0204–108, published November 10, 1993 (58 FR 59716), the Secretary of Energy (Secretary) delegated: (1) The authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove power rates to FERC.

Regulatory Procedure Requirements

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, requires Federal agencies to perform a regulatory flexibility analysis if a proposed rule is likely to have a significant economic impact on a substantial number of small entities. Western has determined that this action relates to rates or services offered by Western and, therefore, is not a rule within the purview of the act.

Environmental Compliance

In compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*; Council on Environmental Quality Regulations, 40 CFR Parts 1500–1508; and DOE NEPA Regulations, 10 CFR Part 1021, Western has determined this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rates for energy and capacity are and will be made available for inspection and copying at Western's Desert Southwest Regional Office, 615 South 43rd Avenue, Phoenix, Arizona.

Dated: April 10, 1998.

Michael S. Hacskaylo,

Acting Administrator.

[FR Doc. 98–10493 Filed 4–20–98; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6000–2]

Agency Generic Information Collection Request: Regional Compliance Assistance Program Evaluation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed Generic Information Collection Request (ICR) to the Office of Management and Budget (OMB): Measuring the Program Effectiveness of EPA Regional Compliance Assistance Projects. Before submitting the ICR to OMB for review, EPA is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before June 22, 1998.

ADDRESSES: Lynn Vendinello (2224A), Office of Compliance, US EPA, 401 M St. SW, Washington, DC 20460. Interested persons may obtain a copy of the ICR without charge by calling Lynn Vendinello at 202–564–7066 or via e-mail at vendinello.lynn@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: Lynn Vendinello, 202–564–7066 or vendinello.lynn@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those businesses and technical assistance providers who receive and/or participate in EPA's Regional compliance assistance activities. Technical assistance providers are comprised of such groups as: state pollution prevention programs, state small business assistance programs, small business development centers, manufacturing extension partnership programs, and trade associations. The request for information from these affected entities will be voluntary.

Title: Regional Compliance Assistance Activities Program Evaluation. (OMB) Control No. XXXX–XXXX: EPA ICR No. 1758.02). This is a new collection.

Abstract: Since EPA's Office of Enforcement and Compliance Assurance (OECA) was formed three years ago, there has been an increased focus on the use of compliance assistance as an appropriate tool to assist the regulated community in improving its compliance. In particular, OECA has focussed its compliance assistance on small business and small communities that have not had much exposure to traditional enforcement and therefore may not be fully aware of their compliance obligations. Compliance assistance consists of information and technical assistance provided to the regulated community to help it meet the requirements of environmental law. First and foremost, compliance assistance ensures that the regulated community understands its obligations by providing clear and consistent descriptions of regulatory requirements. The bulk of OECA's compliance assistance activities are undertaken in our regional offices. Regional

compliance assistance activities commonly include: hotlines, workshops/seminar/trainings, compliance guides (e.g., plain language explanations of regulations, videos), and on-site visits. Since compliance assistance is a rather new tool for OECA, we are very interested in learning about its effectiveness. In particular, we are interested in learning about the ''outcome'' of compliance assistance on a continuum of potential outcomes. The continuum includes determining the ''reach'' of activity within the intended audience; determining their ''satisfaction'' with the activity; and determining what ''behavioral changes'' they make as a result of the activity. The purpose of this generic ICR is to enable OECA to collect data on the program effectiveness of their compliance assistance program so that we can begin to understand which of our various types of compliance assistance activities are most effective as well as to obtain anectdotal information on the outcomes of these assistance efforts. Moreover, since measuring the impact of compliance assistance is a new activity for OECA, we are also interested in experimenting with different types of measurement methods (e.g., comment cards, mailed surveys, phone surveys) to better direct our program evaluation program. Moreover, we are interested in learning if this data can be obtained using statistically-valid methods and will be supporting our measurement activities with analysis in this area.

In each instance we will be measuring whether or not the compliance assistance activity is meeting its intended goal. Typical goals for compliance assistance activities include: informing the regulated community of their compliance obligations (e.g., plain-language guides); assisting the regulated community in their understanding of complex federal and/or state requirements (e.g., Section 215 of the Small Business Regulatory Enforcement Fairness Act asks EPA to undertake demonstration projects with states to develop compliance assistance tools that integrate state and federal rules); and motivating behavioral change (e.g., pollutants reduced, permits adopted) from on-site visits, in-depth workshops/trainings.

This activity is being undertaken to assist EPA in its implementation of the National Performance Measures Strategy that was finalized on December 22, 1997, which includes compliance assistance.

None of the information collected by this action results in or requests sensitive information of any nature from the states.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it display a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA is soliciting comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

The Office of Compliance (OC) will use this information to evaluate the effectiveness of our compliance assistance programs so that we can plan more effective programs in the future. OC will also include highlights in its end-of-year accomplishments report. This information also will be provided to Congressional staffs and committees interested in environmental matters and small business assistance activities at the EPA regional and state level (the SBREFA Section 215 projects are being conducted as cooperative agreements with state assistance programs). In addition, we will share our lessons learned about compliance assistance program effectiveness widely with state and local assistance programs. Since compliance assistance is a relatively new program for most state programs, this program effectiveness information should be of great interest and value to them.

Burden Statement: This information collection request is for three years with an OMB review of progress after 18 months. The information collection request is a generic request for all surveys conducted over the 3-year period. Sample surveys are attached to the ICR and actural surveys will be submitted to OMB with a 10-day comment period from OMB. OC will minimize the numbers of surveys by providing consistent surveys for several similar activities. This will also increase the ability to compare program effectiveness across program activities.

For each respondent, the annual cost burden is estimated to be $4.20. Total capital and start-up cost component annualized over its expected useful life is $0. Total operations and maintenance is estimated at $0, and the cost for purchase of services is estimated at $0.

Total annual burden for the 155,163 respondents is estimated to be 19,470 hours at a cost of $218,090.

Federal burden is estimated to be 53 hours a year at an annual labor cost of $15,510. Total capital and start-up cost component annualized over its expected useful life is $0. Total operations and maintenance is estimated at $0, and the cost for purchase of services is estimated at $75,000.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: April 10, 1998.

Elaine Stanley,

Director, Office of Compliance.

[FR Doc. 98–10508 Filed 4–20–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[No. W–98–14; FRL–6000–1]

Availability of Draft Water Conservation Plan Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability.

SUMMARY: EPA is making available for public comment a draft document entitled ''Water Conservation Plan Guidelines.'' The Safe Drinking Water Act Amendments of 1996 require the Agency to publish guidelines for water conservation plans for public water systems, taking into consideration such factors as system size, water availability

and climate. States may require water systems to submit a water conservation plan consistent with EPA's guidelines as a condition of receiving a loan from a State Drinking Water Loan Fund. The first part of the document introduces the guidelines and provides information to the States about their nature and possible use. The second part of the document provides three sets of water conservation plan guidelines—Basic, Intermediate, and Advanced—which correspond generally to system size. Each set of guidelines follows nine steps, with variations for some steps under the Basic, Intermediate, and Advanced Guidelines: Conservation Planning Goals, Water System Profile, Demand Forecasting, Planned Improvements and Additions, Water Conservation Measures, Benefits and Costs, Selection of Measures, Integrated Resource Options, and Implementation and Evaluation of Plan.

To meet the statutory schedule the final guidelines must be published by August 6, 1998. The draft document being made available today was developed by EPA in concert with a Subcommittee under the auspices of the Local Government Advisory Committee. Subcommittee membership includes State agencies, water utilities, environmental groups, and various industry and public interest groups. EPA invites interested members of the public to submit comments on the draft document. EPA will consider public comments and publish a final document by the August 6, 1998 statutory deadline.

DATES: Submit comments on or before May 21, 1998.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for electronic access and filing addresses.

Draft Guidelines: Paper copies of the draft guidelines may be obtained by writing to Valerie Martin, U.S. EPA, Office of Wastewater Management (Mail Code 4204), 401 M Street, S.W., Washington D.C. 20460.

Public Comments: Address all comments concerning the draft guidelines to W–98–14 Comment Clerk, Water Docket (Mail Code 4101), U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

Docket: The administrative record for this notice is located in the Water Docket, East Tower Basement, U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John E. Flowers, (202) 260–7288 or flowers.john@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: *Draft Guidelines:* The draft guidelines may also be viewed and downloaded from EPA's homepage, http://www.epa.gov/OWM/genwave.htm.

Public Comments: Please send an original and three copies of your comments and enclosures (including references). Commenters who want EPA to acknowledge receipt of their comments should enclose a self-addressed, stamped envelope. No facsimiles (faxes) will be accepted. Comments may also be submitted electronically to ow-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and forms of encryption. Electronic comments must be identified by the docket number (W–98–14). Comments and data will also be accepted on disks in WordPerfect in 5.1, 6.1 or ASCII file format. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Docket: The administrative record for this notice has been established under docket number W–98–14, and includes supporting documentation as well as printed, paper versions of electronic comments. The record is available for inspection from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays at the Water Docket, East Tower Basement, U.S. EPA, 401 M Street, Washington, D.C. For access to docket materials, please call (202) 260–3027 to schedule an appointment.

Dated: April 14, 1998.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 98–10514 Filed 4–20–98; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

April 15, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 21, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

*OMB Control No.:*3060–0715.

Title: Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, CC Docket No. 96–115.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 4,832.

Estimated Time Per Response: .50 - 77 hours (avg. range).

Frequency of Response: Recordkeeping; on occasion and one-time reporting requirements.

Cost to Respondents: $229,520,000.

Total Annual Burden: 780,989 hours.

Needs and Uses: The Second Report and Order, CC Docket No. 96–115 implements the statutory obligations of section 222 of the Telecommunications Act of 1996. Among other things, carriers are permitted to use CPNI (customer proprietary network information), without customer approval, to market offerings that are related to, but limited by, the customer's existing service relationship with their carrier. Carriers must obtain express

customer approval to use CPNI to market service outside the customer's existing service relationship. Carriers must provide a one-time notification of customers' CPNI rights prior to any solicitation for approval.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–10518 Filed 4–20–98; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2268]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

April 15, 1998.

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800. Oppositions to these petitions must be filed May 6, 1998. See Section 1.4(b)(1) of the Commission's rule (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Billed Party Preference for InterLATA 0+Calls (CC Docket No. 92–77).

Number of Petitions Filed: 9.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–10402 Filed 4–20–98; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 202–011375–039

Title: Trans-Atlantic Conference Agreement

Parties:

Atlantic Container Line AB
P&O Nedlloyd BV
Cho Yang Shipping Co. Ltd
Hapag-Lloyd Container Linie Gmbh
Sea-Land Service, Inc.
Mediterranean Shipping Co, S.A.
A.P. Moller-Maersk Line
DSR-Senator Lines
POL-Atlantic
P&O Nedlloyd Limited
Orient Overseas Container Line (UK) Ltd.
Nippon Yusen Kaisha
Transportacion Maritima Mexicana, S.A. de C.V.
Tecomar S.A. de C.V.
Neptune Orient Lines Ltd.
Hyundai Merchant Marine Co., Ltd.

Synopsis: The proposed amendment would modify the Agreement's service contract provisions related to noncontainerizable cargo.

Agreement No.: 224–200814–002

Title: NY-NJ/American Stevedoring Lease Agreement BP–286

Parties:

The Port Authority of New York and New Jersey American Stevedoring, Inc.

Synopsis: The proposed amendment concerns the usage rental associated with salt discharged at the Red Hook Container Terminal. The term of the agreement continues to run through August 31, 2001.

Dated: April 15, 1998.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 98–10408 Filed 4–20–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Notice

SUMMARY: *Background*. On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of OMB 83-I and supporting statement and approved collection of information instrument are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before June 22, 1998.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. McLaughlin, Chief, Financial Reports Section (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following report:

1. Report title: Ongoing Intermittent Survey of Households

Agency form number: FR 3016

OMB control number: 7100-0150

Frequency: on occasion

Reporters: households and individuals

Annual reporting hours: 130 burden hours

Estimated average minutes per response: 3.12 minutes

Number of respondents: 500

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 225a, 263, and 15 U.S.C. 1691b) and is given confidential treatment pursuant to the Freedom of Information Act (5 U.S.C. 552(b)(6))).

Abstract: The Federal Reserve uses this voluntary survey to obtain household-based information specifically tailored to the Federal Reserve's policy, regulatory, and operational responsibilities, and the survey is necessary to provide information on developing events in the financial markets. Intermittently, on request, the University of Michigan's Survey Research Center includes survey questions on behalf of the Federal Reserve in an addendum to their regular monthly Survey of Consumer Attitudes and Expectations. The frequency and content of the questions depends on changing economic and legal developments.

Board of Governors of the Federal Reserve System, April 16, 1998.

William W. Wiles,

Secretary of the Board.

[FR Doc. 98–10566 Filed 4–20–98; 8:45AM]

Billing Code 6210–01–F

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 6, 1998.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Robert M. Wilson Limited Family Partnership, Little Rock, Arkansas; to acquire voting shares of, and Robert M. Wilson, Sr. (General Partner), Little Rock, Arkansas, to retain voting shares of, P & W Bancshares, Inc., Little Rock, Arkansas, and thereby indirectly acquire Central Bank & Trust Company, Little Rock, Arkansas.

Board of Governors of the Federal Reserve System, April 16, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–10569 Filed 4–20–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq*.) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 15, 1998.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Premier Bancshares, Inc., Atlanta, Georgia; to acquire 100 percent of the voting shares of Lanier Bank & Trust Company, Cumming, Georgia.

B. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. 1st Brookfield, Inc. Employee Stock Ownership Plan, Brookfield, Illinois; to acquire an additional 2.31 percent, for a total of 32.26 percent, of the voting shares of 1st Brookfield, Inc., Brookfield, Illinois, and thereby indirectly acquire The First National Bank of Brookfield, Brookfield, Illinois.

Board of Governors of the Federal Reserve System, April 16, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–10567 Filed 4–20–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to

acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 6, 1998.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. National City Corporation, Cleveland, Ohio; to acquire, through National Processing Company, Louisville, Kentucky, up to a 29 percent equity interest in INFITEQ, LLC, Dallas, Texas, and thereby engage in providing management consulting and counseling activities, support services, and data processing and data transmission activities, pursuant to §§ 225.28(b)(9), (b)(10), and (b)(14) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 16, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–10568 Filed 4–20–98; 8:45 am]

BILLING CODE 6210–01–F

GENERAL ACCOUNTING OFFICE

Cost Accounting Standards Board Review Panel; Notice of Web Page

The Cost Accounting Standards Board (CASB) Review Panel was established in March 1998 to study, analyze, and assess the mission of the CASB in light of recent federal acquisition reforms. Formed at the request of Congress, the panel includes members from government, industry, and the accounting profession. It is anticipated that the panel will conclude its studies, analyses, and deliberations by the end of the current year and issue a report with recommendations to the Congress in early 1999.

In conducting its work, the panel is seeking to obtain broad input from all interested parties including those in the government contracting community, academia, the accounting profession, and industry. At this time, the panel is seeking general comments on what are the most pertinent issues the panel should address regarding the CASB's mission in light of acquisition reform, its current structure, composition and membership, and the CASB's staff resources. As the panel proceeds with its work and focuses its attention on more specific issues, additional public comments on those issues will be solicited. Individuals interested in submitting comments to the panel can do so by visiting the CASB Review Panel's web page at http://www.gao.gov or can leave recorded messages at (202) 512–4501.

Ralph C. Dawn,

Executive Director, Cost Accounting Standards Board Review Panel.

[FR Doc. 98–10491 Filed 4–20–98; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Administration on Aging

[Program Announcement No. AoA–98–5]

Fiscal Year 1998 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications to carry out model Pension Information and Counseling Projects whose purpose is to demonstrate innovative and effective means for ensuring that those older Americans eligible for pension benefits have the requisite knowledge, information, and counseling to exercise fully their rights and entitlements.

SUMMARY: The Administration on Aging (AoA) announces that under this program announcement it will hold a competition for grant awards for three (3) to five (5) projects. Since 1993, the AoA has supported several model pension information and counseling projects at various sites throughout the country. This program announcement is designed to build on that effort by extending the opportunity for program innovation in pension counseling and information dissemination to other regions of the country.

The deadline date for the submission of applications is June 21, 1998. As provided by Title IV, Section 429 of the Older Americans Act, eligibility for grant awards is limited to state and area agencies on aging and to nonprofit organizations with proven experience in the counseling of older persons regarding retirement benefits and pension rights.

Application kits are available by writing to the Department of Health and Human Services, Administration on Aging, Office of Program Operations and Development, 330 Independence Avenue, SW., Room 4270, Washington, DC 20201, or by calling 202/619–0011.

Dated: April 15, 1998.

Jeanette C. Takamura,

Assistant Secretary for Aging.

[FR Doc. 98–10555 Filed 4–20–98; 8:45 am]

BILLING CODE 4150–40–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institute for Occupational Safety and Health

[Program Announcement 98045; (Former Announcement Number 123)]

Grants for Education Programs in Occupational Safety and Health; Notice of Availability of Funds for Fiscal Year 1999

Introduction

The Centers for Disease Control and Prevention (CDC) announces that applications are being accepted for fiscal year (FY) 1999 training grants in occupational safety and health. The purpose of these grants is to provide an adequate supply of qualified personnel to carry out the purposes of the Occupational Safety and Health Act. This announcement includes an expanded emphasis on research and research training and an emphasis on establishing new and innovative training technologies for both Education and Research Centers (ERCs), formerly known as Educational Resource Centers, and Training Project Grants (TPGs).

CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering a copy of ''Healthy People 2000,'' see the section ''WHERE TO OBTAIN ADDITIONAL INFORMATION.'')

Authority

This program is authorized under section 21(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(a)). Regulations applicable to this program are in 42 CFR part 86, ''Grants for Education Programs in Occupational Safety and Health.''

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Pub. L. 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of HHS funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1998 Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act (Pub. L. 105–78) states in section 503 (a) and (b) that no part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relations, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Eligible Applicants

Any public or private educational or training agency or institution that has demonstrated competency in the occupational safety and health field and is located in a State, the District of Columbia, or U.S. Territory is eligible to apply for a training grant.

Availability of Funds and Types of Training Awards and Applicant Characteristics

CDC expects approximately $11,500,000 to be available in FY 1999.

A. Approximately $10,400,000 of the total funds available will be utilized as follows:

1. To award approximately fourteen non-competing continuation and one competing continuation or new Occupational Safety and Health ERC training grants totaling approximately $8,200,000 and ranging from approximately $400,000 to $800,000 with the average award being approximately $550,000. An Occupational Safety and Health Education and Research Center shall be an identifiable organizational unit within the sponsoring organization. Applicants must meet the following characteristics in order to be considered responsive. If the characteristics are not met, the application will be considered non-responsive and will not be reviewed.

a. Cooperative arrangements with a medical school or teaching hospital (with an established program in preventive or occupational medicine); with a school of nursing or its equivalent; with a school of public health or its equivalent; or with a school of engineering or its equivalent. It is expected that other schools or departments with relevant disciplines and resources shall be represented and shall contribute as appropriate to the conduct of the total program, e.g., epidemiology, toxicology, biostatistics, environmental health, law, business administration, and education. Specific mechanisms to implement the cooperative arrangements between departments, schools/colleges, universities, etc., shall be demonstrated in order to assure that the intended multidisciplinary training and education will be engendered.

b. A Center Director who possesses a demonstrated capacity for sustained productivity and leadership in occupational health and safety education and training. The Director shall oversee the general operation of the Center Program and shall, to the extent possible, directly participate in training activities. A Deputy Director shall be responsible for managing the daily administrative duties of the Center and to increase the Center Director's availability to ERC staff and to the public.

c. Program Directors who are full-time faculty and professional staff representing various disciplines and qualifications relevant to occupational safety and health who are capable of planning, establishing, and carrying out or administering training projects undertaken by the Center. Each academic program, as well as the continuing education and outreach program shall have a Program Director.

d. Faculty and staff with demonstrated training and research expertise, appropriate facilities and ongoing training and research activities in occupational safety and health areas.

e. A program for conducting education and training in four core disciplines: occupational physicians, occupational health nurses, industrial hygienists, and occupational safety personnel. There shall be a minimum of five full-time students in each of the core programs, with a goal of a minimum of 30 full-time students (total in all of core programs together). Centers are encouraged to recruit and train minority students to help address the under-representation of minorities among the occupational safety and health professional workforce.

Although it is desirable for a Center to have the full range of core programs, a Center with a minimum of three components of which two are in the core disciplines is eligible for support providing it is demonstrated that students will be exposed to the principles and issues of all four core disciplines. In order to maximize the unique strengths and capabilities of institutions, consideration will be given to the development of: new and innovative academic programs that are relevant to the occupational safety and health field, e.g., ergonomics, industrial toxicology, occupational injury prevention, and occupational epidemiology; and to innovative technological approaches to training and education. Centers must also document that the program covers an occupational safety and health discipline in critical need or meets a specific regional workforce need. Each core program curriculum shall include courses from non-core categories as well as appropriate clinical rotations and field experiences with public health and safety agencies and with labor-management health and safety groups. Where possible, field experience shall involve students representing other disciplines in a manner similar to that

used in team surveys and other team approaches. Centers should address the importance of providing training and education content related to special populations at risk, including minority workers and other sub-populations specified in the National Occupational Research Agenda (NORA) special populations at risk category.

f. A specific plan describing how trainees will be exposed to the principles of all other occupational safety and health core and allied disciplines. Consortium Centers generally have geographic, policy and other barriers to achieving this Center characteristic and, therefore, must give special, if not innovative, attention to thoroughly describing the approach for fulfilling the multidisciplinary interaction between students.

g. Demonstrated impact of the ERC on the curriculum taught by relevant medical specialties, including family practice, internal medicine, dermatology, orthopedics, pathology, radiology, neurology, perinatal medicine, psychiatry, etc., and on the curriculum of undergraduate, graduate and continuing education of primary core disciplines as well as relevant medical specialities and the curriculum of other schools such as engineering, business, and law.

h. An outreach program to interact with and help other institutions or agencies located within the region. Programs shall be designed to address regional needs and implement innovative strategies for meeting those needs. Partnerships and collaborative relationships shall be encouraged between ERCs and Training Project Grants. Programs to address the under-representation of minorities among occupational safety and health professionals shall be encouraged. Specific efforts should be made to conduct outreach activities to develop collaborative training programs with academic institutions serving minority and other special populations, such as Tribal Colleges and Universities. Examples of outreach activities might include activities such as: Interaction with other colleges and schools within the ERC and with other universities or institutions in the region to integrate occupational safety and health principles and concepts within existing curricula (e.g., Colleges of Business Administration, Engineering, Architecture, Law, and Arts and Sciences); exchange of occupational safety and health faculty among regional educational institutions; providing curriculum materials and consultation for curriculum/course development in other institutions; use of a visiting faculty program to involve labor and management leaders; cooperative and collaborative arrangements with professional societies, scientific associations, and boards of accreditation, certification, or licensure; and presentation of awareness seminars to undergraduate and secondary educational institutions (e.g., high school science fairs and career days) as well as to labor, management and community associations.

i. A specific plan for preparing, distributing and conducting courses, seminars and workshops to provide short-term and continuing education training courses for physicians, nurses, industrial hygienists, safety engineers and other occupational safety and health professionals, paraprofessionals and technicians, including personnel from labor-management health and safety committees, in the geographical region in which the Center is located. The goal shall be that the training be made available to a minimum of 400 trainees per year representing all of the above categories of personnel, on an approximate proportional basis with emphasis given to providing occupational safety and health training to physicians in family practice, as well as industrial practice, industrial nurses, and safety engineers. Priority shall be given to establishing new and innovative training technologies, including distance learning programs and to short-term programs designed to prepare a cadre of practitioners in occupational safety and health. Where appropriate, it shall be professionally acceptable that Continuing Education Units (as approved by appropriate professional associations) may be awarded. These courses should be structured so that higher educational institutions, public health and safety agencies, professional societies or other appropriate agencies can utilize them to provide training at the local level to occupational health and safety personnel working in the workplace. Further, the Center shall conduct periodic training needs assessments, shall develop a specific plan to meet these needs, and shall have demonstrated capability for implementing such training directly and through other institutions or agencies in the region. The Center should establish and maintain cooperative efforts with labor unions, government agencies, and industry trade associations, where appropriate, thus serving as a regional resource for addressing the problems of occupational safety and health that are faced by State and local governments, labor and management.

j. A Board of Advisors or Consultants representing the user and affected population, including representatives of labor, industry, government agencies, academic institutions and professional associations, shall be established by the Center. The Board shall meet regularly to advise a Center Executive Committee and to provide periodic evaluation of Center activities. The Executive Committee shall be composed of the Center Director and Deputy Director, academic Program Directors, the Directors for Continuing Education and Outreach and others whom the Center Director may appoint to assist in governing the internal affairs of the Center.

k. A plan to incorporate research training into all aspects of training and, in research institutions, as documented by on-going funded research and faculty publications, a defined research training plan for training doctoral-level researchers in the occupational safety and health field. The plan will include how the Center intends to strengthen existing research training efforts, how it will integrate research training activities into the curriculum, field and clinical experiences, how it will expand these research activities to have an impact on other primarily clinically-oriented disciplines, such as nursing and medicine, and how it will build on and utilize existing research opportunities in the institution. Each ERC is required to identify or develop a minimum of one, preferably more, areas of research focus related to work environment problems. Consideration shall be given to the CDC/NIOSH priority research areas identified in the National Occupational Health Research Agenda (NORA). (This publication may be obtained from NIOSH). The research training plan will address how students will be instructed and instilled with critical research perspectives and skills. This training will emphasize the importance of developing and working on interdisciplinary teams appropriate for addressing a research issue. It should also prepare students with the skill necessary for developing research protocols, pilot studies, outreach efforts to transfer research findings into practice, and successful research proposals. Such components of research training will require the Centers to strive toward developing the faculty composition and administrative infrastructure essential to being Centers of Excellence in Occupational Safety and Health Research Training that are required to train research leaders of the future. The plan should address the incremental growth of such elements

and evaluation of the plan commensurate with funds available. In addition to the research training components, the plan will also include such items as specific strategies for obtaining student and faculty funding, plans for acquiring equipment, if appropriate, and a plan for developing research-oriented faculty.

l. Evidence in obtaining support from other sources, including other Federal grants, support from States and other public agencies, and support from the private sector including grants from foundations and corporate endowments, chairs, and gifts.

2. To award four non-competing continuation training grants totaling approximately $250,000 of the available funds as specified in A.1. The awards will be made to ERCs to support the development of specialized educational programs in agricultural safety and health within the existing core disciplines of industrial hygiene, occupational medicine, occupational health nursing, and occupational safety. Program support is available for faculty and staff salaries, trainee costs, and other costs to educate professionals in agricultural safety and health.

3. To award approximately thirty-two, non-competing continuation and six competing continuation or new long-term training project grants (TPG) totaling $2,200,000 and ranging from approximately $10,000 to $500,000, with the average award being $58,000, to support academic programs in the core disciplines (i.e., industrial hygiene, occupational health nursing, occupational/industrial medicine, and occupational safety and ergonomics) and relevant components (e.g., occupational injury prevention, industrial toxicology, ergonomics). The awards are normally for training programs of 1 academic year. They are intended to augment the scope, enrollment, and quality of training programs rather than to replace funds already available for current operations. Applicants must also document that the program covers an occupational safety and health discipline in critical need or meets a specific regional workforce need. Applicants should address the importance of providing training and education content related to special populations at risk, including minority and disadvantaged workers. The types of training currently eligible for support are:

a. Graduate training for practice, teaching, and research careers in occupational safety and health. Priority will be given to programs producing graduates in areas of greatest occupational safety and health need. Strong consideration will be given to the establishment of innovative training technologies including distance learning programs.

b. Undergraduate and other pre-baccalaureate training providing trainees with capabilities for positions in occupational safety and health professions.

c. Special technical or other programs for long-term training of occupational safety and health technicians or specialists.

d. Special programs for development of occupational safety and health training curricula and educational materials, including mechanisms for effectiveness testing and implementation.

Awards will be made for a 1- to 5-year project period with an annual budget period. Funding estimates may vary and are subject to change. Non-competing continuation awards within the approved project periods will be made on the basis of satisfactory progress and the availability of funds.

B. To award approximately ten non-competing and two competing continuation or new training grants totaling approximately $1,100,000 of the total funds available. The awards will be made to ERCs to support the development and presentation of continuing education and short courses and academic curricula for trainees and professionals engaged in the management of hazardous substances. These funds are provided to NIOSH/CDC through an Interagency Agreement with the National Institute of Environmental Health Sciences as authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The hazardous substance training (HST) funds are being used to supplement previous hazardous substance continuing education grant support provided to the ERCs in FY 1984 and 1985 under the authority of Title III of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended by SARA for the ERC continuing education programs. The hazardous substance academic training (HSAT) funds are being used to supplement continuing industrial hygiene core program support to develop and offer academic curricula in the hazardous substance field as a specialty area primarily for industrial hygiene trainees. Program support is available for faculty and staff salaries, trainee costs, and other costs to provide training and education for occupational safety and health and other professional personnel engaged in the evaluation, management, and handling of hazardous substances. The policies regarding project periods also apply to these activities.

Purpose

The objective of this grant program is to award funds to eligible institutions or agencies to assist in providing an adequate supply of qualified professional and para-professional occupational safety and health personnel to carry out the purposes of the Occupational Safety and Health Act.

Review and Evaluation Criteria

In reviewing ERC grant applications, consideration will be given to:

1. Plans to satisfy the regional needs for training in the areas outlined by the application, including projected enrollment, recruitment and current workforce populations. Special consideration should be given to the development of programs addressing the under-representation of minorities among occupational safety and health professionals. Indicators of regional need should include measures utilized by the Center such as previous record of training and placement of graduates. The need for supporting students in allied disciplines must be specifically justified in terms of user community requirements.

2. Extent to which arrangements for day-to-day management, allocation of funds and cooperative arrangements are designed to effectively achieve *Characteristics of an Education and Research Center*. (See A.1.a.–l.)

3. The establishment of new and innovative programs and approaches to training and education relevant to the occupational safety and health field and based on documentation that the program meets specific regional workforce needs. In reviewing such proposed programs, consideration shall be given to the developing nature of the program and its capability to produce graduates who will meet such workforce needs.

4. Extent to which curriculum content and design includes formalized training objectives, minimal course content to achieve certificate or degree, course descriptions, course sequence, additional related courses open to occupational safety and health students, time devoted to lecture, laboratory and field experience, and the nature of specific field and clinical experiences including their relationships with didactic programs in the educational process.

5. Academic training including the number of full-time and part-time students and graduates for each core

program, the placement of graduates, employment history, and their current location by type of institution (academic, industry, labor, etc.). Previous continuing education training in each discipline and outreach activity and assistance to groups within the ERC region.

6. Methods in use or proposed methods for evaluating the effectiveness of training and outreach including the use of placement services and feedback mechanisms from graduates as well as employers, innovative strategies for meeting regional needs, critiques from continuing education courses, and reports from consultations and cooperative activities with other universities, professional associations, and other outside agencies.

7. Competence, experience and training of the Center Director, the Deputy Center Director, the Program Directors and other professional staff in relation to the type and scope of training and education involved.

8. Institutional commitment to Center goals.

9. Academic and physical environment in which the training will be conducted, including access to appropriate occupational settings.

10. Appropriateness of the budget required to support each academic component of the ERC program, including a separate budget for the academic staff's time and effort in continuing education and outreach.

11. Evidence of the integration of research experience into the curriculum, field and clinical experiences. In institutions seeking funds for doctoral and post-doctoral (physician training) level research training, evidence of a plan describing the research and research training the Center proposes. This shall include goals, elements of the program, research faculty and amount of effort, support faculty, facilities and equipment available and needed, and methods for implementing and evaluating the program.

12. Evidence of success in attaining outside support to supplement the ERC grant funds including other Federal grants, support from States and other public agencies, and support from the private sector including grants from foundations and corporate endowments, chairs, and gifts.

13. Evidence of a strategy to evaluate the impact that the ERC and its programs have had on the DHHS Region. Examples could include a continuing education needs assessment, a workforce needs survey, consultation and research programs provided to address regional occupational safety and health problems, the impact on primary care practice and training, a program graduate data base to track the contributions of graduates to the occupational safety and health field, and the cost effectiveness of the program.

14. Past performance based on evaluation of the most recent CDC/NIOSH Objective Review Summary Statement and the grant application Progress Report (Competing Continuation applications only).

In reviewing ERC grant applications for agricultural safety and health, hazardous substance, and hazardous substance academic training programs, the review and evaluation criteria are specified in the following documents that are available on request:

1. Hazardous Substance Training Program in Educational Resource Centers—Request for Applications, March 10, 1988.

2. Agricultural Safety and Health Education Programs in Educational Resource Centers—Request for Applications, March 5, 1990.

3. Hazardous Substance Academic Training Program in Educational Resource Centers—Request for Applications, August 10, 1992.

In reviewing long-term TPG applications, consideration will be given to:

1. Need for training in the program area outlined by the application. This should include documentation of a plan for student recruitment, projected enrollment, job opportunities, regional need both in quality and quantity, and for programs addressing the under-representation of minorities in the profession of occupational safety and health.

2. Potential contribution of the project toward meeting the needs for graduate or specialized training in occupational safety and health.

3. Curriculum content and design which should include formalized program objectives, minimal course content to achieve certificate or degree, course sequence, related courses open to students, time devoted to lecture, laboratory and field experience, nature and the interrelationship of these educational approaches. There should also be evidence of integration of research experience into the curriculum, field and clinical experiences.

4. Previous records of training in this or related areas, including placement of graduates.

5. Methods proposed to evaluate effectiveness of the training.

6. Degree of institutional commitment: Is grant support necessary for program initiation or continuation? Will support gradually be assumed? Is there related instruction that will go on with or without the grant?

7. Adequacy of facilities (classrooms, laboratories, library services, books, and journal holdings relevant to the program, and access to appropriate occupational settings).

8. Competence, experience, training, time commitment to the program and availability of faculty to advise students, faculty/student ratio, and teaching loads of the program director and teaching faculty in relation to the type and scope of training involved. The program director must be a full-time faculty member.

9. Admission Requirements: Student selection standards and procedures, student performance standards and student counseling services.

10. Advisory Committee: Membership, industries and labor groups represented; how often they meet; who they advise, role in designing curriculum and establishing program need.

11. Evidence of a strategy to evaluate the impact that the program has had on the region. Examples could include a workforce needs survey, consultation and research programs provided to address regional occupational safety and health problems, a program graduate data base to track the contributions of graduates to the occupational safety and health field, and the cost effectiveness of the program.

12. Past performance based on evaluation of the most recent CDC/NIOSH Objective Review Summary Statement and the grant application Progress Report (Competing Continuation applications only).

Funding Allocation Criteria

For Education and Research Center grants, the following criteria will be considered in determining funding allocations.

1. Academic Programs

a. Budget to support programs primarily for personnel and other personnel-related costs. Advanced (doctoral and post-doctoral) and specialty (master's) programs will be considered.

b. Budget to support programs based on program quality/technical merit.

c. Budget to support students based on the program level and the number of students supported.

d. Budget to support research training programs to establish a research base within core disciplines and for the training of researchers in occupational safety and health.

2. Center Administration

Budget to support Center administration to assure: coordination and promotion of academic programs; interdisciplinary interaction; meeting of regional workforce needs; and evaluation of impact.

3. Continuing Education/Outreach Program

Budget to support outreach and continuing education activities to prepare, distribute, and conduct short courses, seminars, and workshops.

4. Hazardous Substance Training Programs

Budget to support the development and presentation of continuing education courses for professionals engaged in the management of hazardous substances.

5. Hazardous Substance Academic Training Programs

Budget to support the development and presentation of specialized academic programs in hazardous substance management.

6. Agricultural Safety and Health Academic Programs

Budget to support the development and presentation of specialized academic programs and continuing education courses in agricultural safety and health.

For Long-Term Training Project grants, the following factors will be considered in determining funding allocations.

Academic Programs

a. Budget to support programs primarily for personnel and other personnel-related costs. Advanced (doctoral and post-doctoral), specialty (master's), and baccalaureate/associate programs will be considered.

b. Budget to support programs based on program quality/technical merit.

c. Budget to support students based on the program level and the number of students supported.

Executive Order 12372 Review

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Public Health System Reporting Requirement

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.263.

Application Submission and Deadline

Applications should be clearly identified as an application for an Occupational Safety and Health Long-Term Training Project Grant or ERC Training Grant. The submission schedule is as follows:

New, Competing Continuation and Supplemental Application Receipt Date: July 1, 1998.

An original and two copies of new, competing continuation and supplemental applications (Form CDC 2.145A ERC or TPG) should be submitted to: Ron Van Duyne (ATTN: Patrick A. Smith), Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 321, Mailstop E–13 Atlanta, GA 30305.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications which do not meet the criteria in 1.a. or 1.b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Non-Competing Continuation Receipt Date: November 16, 1998.

An original and two copies of non-competing continuation applications (Form CDC 2.145B ERC or TPG) should be submitted to: Ron Van Duyne (ATTN: Patrick A. Smith), Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 321, Mailstop E–13 Atlanta, GA 30305.

Where to Obtain Additional Information

To receive an application kit, call 1–888–GRANTS4. You will be asked your name, address, and telephone number and will need to refer to NIOSH Announcement 98045. In addition, this and other CDC announcements are available through the CDC Home page on the Internet. The address for the CDC Home Page is http://www.cdc.gov. If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Patrick A. Smith, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 321, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6803, or by Internet, phs3@cdc.gov. Programmatic technical assistance may be obtained from John T. Talty, Principal Engineer, Office of Extramural Coordination and Special Projects, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), 4676 Columbia Parkway, Mailstop C–7, Cincinnati, OH 45226, telephone (513) 533–8241, or by Internet, jtt2@cdc.gov.

Please refer to Announcement Number 98045 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: April 14, 1998.

Diane D. Porter,

Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–10471 Filed 4–20–98; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: ACF Annual Grantee Survey of the Low Income Home Energy Assistance Program (LIHEAP).

OMB No.: 0970–0076.

Description: ACF is required by law to provide Congress with fiscal and caseload estimates of the Grantee LIHEAP Programs. The Secretary is also required to submit a report to Congress each fiscal year for the prior fiscal year.

Respondents: States.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Survey	51	1	3.75	191.25

Estimated Total Annual Burden Hours: 191.25.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Ms. Wendy Taylor.

Dated: April 14, 1998.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 98–10444 Filed 4–20–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0194]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the voluntary registration of cosmetic product establishments with FDA.

DATES: Submit written comments on the collection of information by June 22, 1998.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Margaret R. Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Registration of Cosmetic Product Establishment—21 CFR Part 710 (OMB Control Number 0910–0027—Extension)

Under the Federal Food, Drug, and Cosmetic Act (the act), cosmetic products that are adulterated under section 601 of the act (21 U.S.C. 361) or misbranded under section 602 of the act (21 U.S.C. 362) may not be distributed in interstate commerce. To assist FDA in carrying out its responsibility to regulate cosmetics, FDA requests that establishments that manufacture or package cosmetic products register with the agency on Form FDA 2511 ''Registration of Cosmetic Product Establishment.'' Regulations providing procedures for the voluntary registration of cosmetic product establishments are found in 21 CFR part 710.

Because mandatory registration of cosmetic establishments is not authorized by statute, voluntary registration provides FDA with the best information available about the location, business trading names used, and the type of activity (manufacturing or packaging) of cosmetic product establishments that participate in this program. In addition, the registration information is an essential part of planning onsite inspections to determine the scope and extent of noncompliance with applicable provisions of the act. The registration information is used to estimate the size of the cosmetic industry regulated. Registration is permanent, although FDA requests that firms submit an amended registration on Form FDA 2511 if any of the information originally submitted changes.

FDA uses registration information as input for a computer data base of cosmetic product establishments. This data base is used for mailing lists to distribute regulatory information or to invite firms to participate in workshops on topics they may be interested in.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Part	Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
710	FDA 2511	50	1	50	0.4	20

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimates are based on past experience and on discussions with registrants during routine communications. FDA receives an average of 50 registration submissions annually. There has been no change over the past 13 years in the number of submissions of Form FDA 2511 or in the time it takes to complete this form.

Dated: April 14, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–10405 Filed 4–20–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0148]

International Drug Scheduling; Convention on Psychotropic Substances; Dihydroetorphine, Ephedrine, and Remifentanil; Isomers of Psychotropic Substances

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of March 18, 1998 (63 FR 13258). The document announced an upcoming World Health Organization review of three substances. The document was published with an error. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Nicholas P. Reuter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1696, E-mail: NReuter@bangate.fda.gov.

In FR Doc. 98–6910, beginning on page 13258 in the **Federal Register** of Wednesday, March 18, 1998, the following correction is made:

1. On page 13259, in the first column, in the fourth full paragraph, the second sentence ''Remifentanil is approved in the United States as an anesthetic for use in animals and is controlled domestically as a narcotic in schedule II of the CSA.'' is corrected to read as follows: ''Remifentanil is approved in the United States as an anesthetic and is controlled domestically as a narcotic in schedule II of the CSA.''

Dated: April 14, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–10404 Filed 4–20–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Science Advisory Board to the National Center for Toxicological Research; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Science Advisory Board to the National Center for Toxicological Research (NCTR).

General Function of the Committee: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on May 6, 1998, 9 a.m. to 5 p.m., and May 7, 1998, 9 a.m. to 11 a.m.

Location: NCTR, Jefferson, AR.

Contact Person: Ronald F. Coene, NCTR (HFT–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6696, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12559. Please call the Information Line for up-to-date information on this meeting.

Agenda: The board will be presented with draft reports on evaluations of three of NCTR's programs in Information Technology, Biometry and Risk Assessment, and Neurotoxicology for their review, discussion, and approval. The draft reports are the products of three site visit teams who conducted onsite reviews over the last 9 months. The staff from these programs will provide a preliminary response to the issues raised and recommendations made. A progress report will be presented to the board on the recommendations it made at its last meeting on NCTR's Estrogen Knowledge Base project. Also, there will be a Center Director's update.

Procedure: On May 6, 1998, from 9 a.m. to 5 p.m., and May 7, 1998, from 9 a.m. to 11 a.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by April 17, 1998. Oral presentations from the public will be scheduled between approximately 11 a.m. and 12 m., on May 7, 1998. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 17, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations. On May 7, 1998, from 1 p.m. to 2:30 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion of the meeting will be closed to permit discussion of information concerning individuals associated with the research programs at NCTR.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 14, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–10406 Filed 4–20–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Council on Graduate Medical Education Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1998:

Name: Council on Graduate Medical Education.

Date and Time: May 6, 1998, 1:00 p.m.–5:00 p.m.; May 7, 1998, 8:30 a.m.–12:00 p.m.

Place: Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, MD.

This meeting is open to the Public.

Agenda: The agenda will include: opening comments, welcome, and presentations from the Acting Administrator, Health Resources and Services Administration, the Acting Associate Administrator for Health Professions and the Acting Executive Secretary of COGME; a panel on financing graduate medical education to include cost, financing and related issues in GME; Medicare proposed rules on GME payment to non-hospital providers; and GME restructuring at the Department of Veterans Affairs. In addition, there will be a presentation on family physician supply projections for rural areas; action on a draft report on Physician Competencies; a discussion of work group activities and papers; and a discussion of Council work and direction.

Anyone requiring information regarding the subject should contact F. Lawrence Clare, M.D., M.P.H., Deputy Executive Secretary, telephone (301) 443–6326, Council on Graduate Medical Education, Division of Medicine, Bureau of Health Professions, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Agenda items are subject to change as priorities dictate.

Dated: April 15, 1998.

Jane Harrison,

Director, Office of Policy and Information Coordination.

[FR Doc. 98–10469 Filed 4–20–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting of the Sickle Cell Disease Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, June 8, 1998. The meeting will be held at the National Institutes of Health, Rockledge II, Conference Room 9104, 6701 Rockledge Drive, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations should contact the Executive Secretary in advance of the meeting.

Dr. Clarice D. Reid, Executive Secretary, Sickle Cell Disease Advisory Committee, Division of Blood Diseases and Resources NHLBI, Two Rockledge Center, Suite 10160, 6701 Rockledge Drive, Bethesda, Maryland 20892 (301) 435–0080, will furnish substantive program information, a summary of the meeting, and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 14, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–10439 Filed 4–20–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting of Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Heart, Lung, and Blood Institute at 8:00 a.m. on June 4–5, 1998, National Institutes of Health, 9000 Rockville Pike, Building 10, Room 7S235, Bethesda, Maryland 20892.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, the entire meeting will be closed to the public for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Edward D. Korn, Executive Secretary and Director, Division of Intramural Research, NHLBI, NIH, Building 10, Room 7N214, (301) 496–2116, will furnish substantive program information.

Dated: April 14, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–10440 Filed 4–20–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Heart, Lung, and Blood Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: New Approaches to Improve the Viability and Function of Transfused Platelets.

Date: May 5, 1998.

Time: 8:00 a.m.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

Contact Person: Jon M. Ranhand, Ph.D., Two Rockledge Center, Room 7188, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0280.

Purpose/Agenda: To review and evaluate grant applications.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases

Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 14, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–10441 Filed 4–20–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health (NIH)

National Institute on Aging; Notice of Meeting of the National Advisory Council on Aging

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, Thursday, May 21, and Friday, May 22, 1998, to be held at the National Institutes of Health, Building 31, Conference Room 6, Bethesda, Maryland. This meeting will be open to the public on Thursday, May 21, from 2:30 to 4:15 p.m. for a status report by the Director, NIA, and a Panel Discussion.

The meeting will be open again on Friday, May 22, from 8 a.m. to adjournment for a report on the Working Group on Program, a report on the Minority Aging Task Force, a presentation on Minority Health, a report on the Task Force on Training and Program Highlights. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on Thursday, May 21, from 4:15 p.m. to recess for the discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Committee Management Officer for the National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Suite 2C218, Bethesda, Maryland 20892 (301/496–9322), will provide a summary of the meeting and a roster of committee members upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. McCann at (301) 496–9322, in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: April 14, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–10436 Filed 4–20–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Drug Abuse, National Institute on Drug Abuse (NIDA) on May 19–20, 1998, at the National Institutes of Health, Natcher Building 45, 9000 Rockville Pike, Bethesda, MD 20892.

On May 19, from 9 a.m. to 4 p.m., the meeting will be held in Conference Rooms E1, E2, G1 and G2. In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, this portion of the meeting will be closed to the public for the review, discussion, and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

On May 20, from 9 a.m. to 5 p.m., the meeting will be held in Conference Rooms E1 and E2. This portion of the meeting will be open to the public for annoncements and reports administrative, legislative, and program developments in the drug abuse field. Attendance by the public will be limited to space available.

A summary of the meeting and a roster of committee members may be obtained from Ms. Camilla L. Holland, NIDA Committee Management Officer, National Institutes of Health, Parklawn Building, Room 10–42, 5600 Fishers Lane, Rockville, Maryland 20857, (301/443–2755).

Substantive program information may be obtained from Dr. Teresa Levitin, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301/443–2755).

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Levitin in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.277, Drug Abuse Research Scientist Development and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs)

Dated: April 14, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–10437 Filed 4–20–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

Name of SEP: In Vivo and In Vitro Evaluation of Terbinafine as a CYP2D6 Inhibitor (TELECONFERENCE).

Date: April 23, 1998.

Time: 10:30 p.m.—adjournment.

Place: 6100 Executive Boulevard, 6100 Building, Room 5E01, Rockville, Maryland 20852.

Contact Person: Gopal Bhatnagar, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, Room 5E01, Rockville, MD 20852, Telephone: 301–496–1485.

Purpose/Agenda: To evaluate and review research grant applications.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussion of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. [93.864, Population Research and No. 93.865, Research for Mothers and Children], National Institute of Health, HHS)

Dated: April 14, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–10438 Filed 4–20–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 28, 1998.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 5112, Telephone Conference.

Contact Person: Dr. Gilbert Meier, Scientific Review Administrator, 6701 Rockledge Drive, Room 5112, Bethesda, Maryland 20892, (301) 453–1169.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 28, 1998.

Time: 11:00 a.m.

Place: NIH, Rockledge 2, Room 5112, Telephone Conference.

Contact Person: Dr. Gilbert Meier, Scientific Review Administrator, 6701 Rockledge Drive, Room 5112, Bethesda, Maryland 20892, (301) 453–1169.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.

Date: May 17–18, 1998.

Time: 6:00 p.m.

Place: Embassy Suites, Cary, NC.

Contact Person: Dr. Bob Weller, Scientific Review Administrator, 6701 Rockledge Drive, Room 5204, Bethesda, Maryland 20892, (301) 453–1259.

Name of SEP: Clinical Sciences.

Date: June 16–17, 1998.

Time: 8:00 a.m.

Place: The Georgetown Inn, Washington, DC.

Contact Person: Ms. Josephine Pelham, Scientific Review Administrator, 6701 Rockledge Drive, Room 4106, Bethesda, Maryland 20892, (301) 453–1786.

Name of SEP: Behavioral and Neurosciences.

Date: June 22–24, 1998.

Time: 8:00 a.m.

Place: Ramada Inn, Rockville, MD.

Contact Person: Dr. Herman Teitelbaum, Scientific Review Administrator, 6701 Rockledge Drive, Room 5190, Bethesda, Maryland 20892, (301) 453–1254.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 14, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–10442 Filed 4–20–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–8005.

Proposed Project

State Prevention Needs Assessments: Alcohol and Other Drugs—New—SAMHSA's Center for Substance Abuse Prevention (CSAP) has awarded contracts to several States (Cohort III) to collect data to assess the nature and extent of substance abuse prevention services needs. In addition, the data collection from these States will be used to pilot test several instruments and methodologies to determine standard measures and methodologies to be used by the next cohort of States (Cohort IV) funded to conduct needs assessment studies.

Data will be collected in school surveys, community-based prevention resource assessments (CRA), and special population studies. The information collected in this project will be combined with existing sources and may use multiple approaches to assess risk and protective factors for substance use, prevention service needs, and substance abuse prevalence. These needs assessment studies will permit cross-State comparisons of predictor variables to assist Federal program planning, allocating resources, and responding to the Government Performance and Results Act (GPRA).

The estimated annualized burden for the five-year project is shown below.

	Five year project			Total annualized burden hours
	Number of respondents	No. of responses per respondent	Average burden per response (hours)	
COHORT III:				
Students	45,600	1	0.75	6,840
Young Adults	29,350	1	0.50	2,935
Community/Program Providers	1,253	1	1.00	251
COHORT IV:				
Students	90,000	1	0.75	13,500
Special Populations	9,000	1	0.50	900
Community/Program Providers	3,000	1	1.00	600

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Daniel J. Chenok, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10236, Washington, DC 20503.

Dated: April 7, 1998.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 98–10466 Filed 4–20–98; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4349–N–13]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: May 21, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 15, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of proposal: Title I Electronic Data Collection.

Office: Housing.

OMB Approval number: None.

Description of the NEED for the Information and Its Proposed Use: Title I loans are made by private lenders, and HUD insures the lender against losses made by borrowers defaulting. HUD uses the data collected to improve portfolio management. This data will be collected 100 percent electronically.

Form Number: HUD–27029 and HUD–56004.

Respondents: Business or other for-profit.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
New Loan Report	118,000		1		.01		1,181
Refinancing Report	3,000		1		.01		30

Total Estimated Burden Hours: 1,211.

Status: New.

Contact: Maurice Gulledge, HUD, (202) 708–6396 x2073; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 98–10556 Filed 4–20–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Notice of Availability of a Draft Recovery Plan for the Oregon Chub for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of draft recovery plan availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft recovery plan for the Oregon chub (*Oregonichthys crameri*). The species occurs in backwaters, sloughs, and flooded wetlands in the Willamette River Valley of western Oregon. The Service solicits review and comment from the public on this draft plan.

DATES: Comments received by June 22, 1998 will be considered by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the U.S. Fish and Wildlife Service's Oregon State Office, 2600 S.E. 98th Avenue, Suite 100, Portland, Oregon, 97266; phone (503) 231–6179. Written comments on the plan should be addressed to the State Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Cat Brown, Fish and Wildlife Biologist, at the above address.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and

Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Oregon chub, which was listed as endangered in 1993, is a small fish that occurs only in western Oregon's Willamette River Valley. The species evolved in slack water off-channel habitats such as beaver ponds, oxbows, side channels, backwater sloughs, low gradient tributaries, and flooded marshes. In the last 80 years, backwater and off-channel habitats have disappeared because of changes in seasonal flows resulting from the construction of dams throughout the basin, channelization of the Willamette River and its tributaries, and agricultural practices. Current threats to Oregon chub include continued habitat alteration; the proliferation of non-native fish and amphibians; accidental chemical spills; runoff from herbicide or pesticide application on farms or along roadways, railways, and powerline rights-of way; desiccation of habitats; unauthorized water withdrawals, diversions, or fill and removal activities; and siltation resulting from timber harvesting in the watershed.

The recovery plan calls for restoration and protection of habitat for the Oregon chub mainly on public lands throughout the Mainstem Willamette, Middle Fork Willamette and Santiam Rivers. When completed, the plan will guide the actions of all Federal and State agencies whose actions affect the conservation of the Oregon chub.

Public Comments Solicited

The Service solicits written comments on the draft recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Thomas J. Dwyer,

Acting Regional Director.

[FR Doc. 98–10463 Filed 4–20–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan (EA/HCP) and Receipt of Application for Incidental Take Permit for Construction and Operation of a Residential and Commercial Development on Approximately 590 Acres of the 1,277-Acre Highlands of Lakeway Property, Lakeway, Travis County, Texas

SUMMARY: Lakeway Partners, L.L.C. (applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The applicant has been assigned permit number PRT–812696. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as result of the construction and operation of a residential and commercial development on approximately 590 acres of the 1,277-acre parcel. All construction will occur on the 1,277-acre Highlands of Lakeway Property located in Austin, Travis County, Texas.

The Service has prepared the EA/HCP for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and the National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received on or before May 21, 1998.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Sybil Vosler, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063).

Documents will be available for public inspection by appointment only during normal business hours (8:00 a.m. to 4:30 p.m.) at the U.S. Fish and Wildlife Service, Austin, Texas office. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Field Office, U.S. Fish and Wildlife Service, 10711 Burnet Rd., Austin, Texas 78758. Please refer to permit number PRT–812696 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Sybil Vosler at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant: Lakeway Partners, L.L.C. plans to construct a residential and commercial development on approximately 590 acres of the 1,277-acre tract and purchase 321 mitigation credits from the Lakeway Mitigation Account. The Lakeway Mitigation Account provided $3.5 million to the City of Austin to enable the purchase of the approximately 942-acre Ivanhoe tract containing essential, high-quality golden-cheeked warbler habitat to be included in the Balcones Canyonlands Preserve in perpetuity. The construction will be located at the Highlands of Lakeway property located on the south side of Lake Travis immediately west of the City of Lakeway and approximately 18 miles west-northwest of the downtown City of Austin.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Geoffery L. Haskett,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 98–10456 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Iowa Tribe of Kansas and Nebraska Liquor and Beer Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that Resolution numbered 97–R–08, Iowa Tribe of Kansas and Nebraska Liquor and Beer Ordinance, was duly adopted by the Iowa Tribe of Kansas and Nebraska Executive Committee May 28, 1997. The Ordinance provides for the regulation of the activities of the manufacture, distribution, sale, and consumption of liquor on reservation lands subject to the jurisdiction of the Iowa Tribe of Kansas and Nebraska; the provisions for criminal jurisdiction are to be exercised in accordance with applicable Federal case law, statutes, and regulations.

DATES: This Ordinance is effective April 21, 1998.

FOR FURTHER INFORMATION CONTACT: Bettie Rushing, Office of Tribal Services, 1849 C Street NW, MS 4603–MIB, Washington, DC 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: The Iowa Tribe of Kansas and Nebraska Executive Committee resolution numbered 97–R–08 which reads as follows:

Iowa Tribe of Kansas and Nebraska Liquor and Beer Ordinance

Section 1. Title and Purpose

This Title shall be known as the Iowa Tribe of Kansas and Nebraska Liquor and Beer Ordinance (''Ordinance''). This law is enacted to regulate the sale and distribution of liquor and beer products on all properties under the jurisdiction of the Iowa Tribe of Kansas and Nebraska, and to generate revenue to fund needed tribal programs and services.

Section 2. Authority

This Ordinance is enacted pursuant to the Constitution and By-Laws of the Iowa Tribe of Kansas and Nebraska (as amended August 27, 1980) and the Act of August 15, 1953 (Pub. L. 83–277, 67 Stat. 588, 18 U.S.C. 1161).

Section 3. Definitions

Unless otherwise required by the context, the following words and phrases shall have the designated meanings:

(a) *Nation* or *Tribe* shall mean the Iowa Tribe of Kansas and Nebraska.

(b) *Executive Committee* shall mean the Executive Committee of the Iowa Tribe of Kansas and Nebraska as constituted by Article IV, Sec. 2 of the Constitution of the Iowa Tribe of Kansas and Nebraska.

(c) *Commission* shall mean the Iowa Tribe of Kansas and Nebraska Liquor and Beer Control Commission established pursuant to Section 201 of this Ordinance.

(d) *Iowa Tribe of Kansas and Nebraska Indian Country* shall mean Indian Country as defined by 18 U.S.C. 1151 subject to the jurisdiction of the Iowa Tribe of Kansas and Nebraska, including but not limited to, any lands and waters held in trust by the Federal Government within the jurisdiction of the Iowa Tribe of Kansas and Nebraska.

(e) *Sale* shall mean the transfer, exchange or barter, in any or by any means whatsoever, for a consideration, by any person, association, partnership, or corporation, of liquor or beer products.

(f) *Wholesale Price* shall mean the established price for which liquor and beer products are sold to the Iowa Tribe of Kansas and Nebraska or any Operator by the manufacturer or distributor, exclusive of any discount or other reduction.

(g) *Alcohol* is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is produced by the fermentation or distillation of grain, starch, molasses or sugar, or other substances including all dilutions and mixtures of this substance.

(h) *Liquor* shall mean the four varieties of liquor, commonly referred to as alcohol, spirits, wine, and beer in excess of 5 percent of alcohol, and all fermented, spirituous, vinous or malt liquor or any other intoxicating liquid, solid, semi-solid or other substance patented or not, containing alcohol, spirits, wine, or beer in excess of 5 percent of alcohol, and intended for oral consumption.

(i) *Beer* shall mean any beverage obtained by the alcohol fermentation of an infusion or decoction of pure hops, or pure extract of hops, and malt and sugar in pure water containing not more than 5 percent of alcohol by weight.

(j) *Liquor Outlet* shall mean a tribally licensed retail sale business selling liquor within the Iowa Indian Country, including all related and associated facilities under the control of the Licensee. Moreover, where a Licensee's business is carried on as part of the operation of an entertainment or recreation facility, the ''Liquor Outlet'' shall be deemed to include the entire entertainment or recreation facility and associated areas.

(k) *Beer Outlet* shall mean a tribally licensed retail sale business selling beer within the Iowa Indian Country, including all related and associated facilities under the control of the Licensee. Moreover, where a Licensee's business is carried on as part of the operation of an entertainment or recreation facility, the ''Beer Outlet'' shall be deemed to include the entire entertainment or recreation facility and associated areas.

(l) *Operator* or *Licensee* shall mean any person twenty-one (21) years of age or older, properly licensed by the Tribe to operate a liquor and/or beer outlet.

Chapter One—Prohibition

Section 101. General Prohibition

It shall be unlawful to buy, sell, give away, consume, furnish, or possess any liquor or beer or product containing alcohol for ingestion by human beings, or to appear or be found in a place where liquor or beer are sold and/or consumed except as allowed by the Iowa Tribe of Kansas and Nebraska Liquor and Beer Ordinance and regulations promulgated thereunder.

Section 102. Possession for Personal Use

Possession of liquor or beer for personal use by persons over the age of 21 years shall, unless otherwise prohibited by Federal or tribal law or regulation, be lawful within the Iowa Indian Country, so long as such liquor or beer was lawfully purchased from an establishment duly licensed to sell such beverages, whether on or off the Iowa Indian Country and consumed within a private residence or location, or at a location or facility specifically licensed for the public consumption of liquor or beer.

Chapter Two—Licensing

Section 201. Licensing of Liquor and Beer Outlets

The Executive Committee shall be the Liquor and Beer Control Commission. The Commission is empowered to:

(a) Administer this Ordinance by exercising general control, management, and supervision of all liquor and beer sales, places of sale and sales outlets as well as exercising all powers necessary to accomplish the purposes of this Ordinance.

(b) Adopt and enforce rules and regulations in furtherance of the purpose of this Ordinance and in the performance of its administrative functions.

Section 202. Application for Liquor and Beer Outlet Licenses

(a) Application. Any person twenty-one (21) years of age and older, may apply to the Commission for a liquor and/or beer outlet license.

(b) Licensing Requirements. The person applying for such permit must make a showing once a year, and must satisfy the Commission that:

(1) he/she is a person of good moral character;

(2) he/she has never been convicted of violating any of the laws prohibiting the traffic in any spirituous, vinous, fermented or malt liquors, or of any of the gambling laws of the Tribe, state, any other tribe or state of the United States or of the United States of America, within three (3) years immediately preceding the date of his/her petition;

(3) he/she has not violated the laws commonly called ''prohibition laws'';

(4) he/she has not had any permit or license to sell nonintoxicating liquors revoked by any governmental authority within the previous twelve (12) months.

(c) Processing of Application. The Commission's Secretary shall receive and process applications and be the official representative of the Tribe and Commission in matters relating to receipt of applications, liquor and beer excise tax collections and related matters. If the Commission or its authorized representative is satisfied that the applicant is suitable and a responsible person, the Commission or its authorized representative may issue a license for the sale of liquor and/or beer products.

(d) Application Fee. Each application shall be accompanied by an application fee to be set by regulation of the Commission.

(a) Discretionary Licensing. Nothing herein shall be deemed to create a duty or requirement to issue a license. Issuance of licenses is discretionary upon the Commission's determination of the best interests of the Tribe, and the license grants a privilege, but not a property right, to sell liquor and/or beer within the jurisdiction of the Tribe at the licensed outlet(s).

Section 203. Liquor and Beer Outlet Licenses

(a) Upon approval of an application, the Commission shall issue the applicant a liquor and/or beer outlet license, valid for one year from the date of issuance, which shall entitle the Operator to establish and maintain only the type of outlet being permitted. This license shall not be transferrable. The Licensee must properly and publicly display the license in the place of business. It shall be renewable at the discretion of the Commission by the submission of the Licensee of a subsequent application form and payment of an application fee as provided in Section 202(d).

Section 204. Other Business by Operator

An Operator may conduct another business simultaneously with managing a liquor and/or beer outlet; PROVIDED, if such other business is in any manner affiliated or related to the liquor and/or beer outlet it must be approved by majority vote of the Commission prior to initiation. Said other business may be conducted on the same premise as a liquor and/or beer outlet, but the Operator shall be required to maintain separate books of account for the other business.

Section 205. Revocation of Operator's License

(a) Failure of an Operator to abide by the requirements of this Ordinance and any additional regulations or requirements imposed by the Commission will constitute grounds for revocation of the Operator's license as well as enforcement of the penalties provided in Section 601 of this Ordinance.

(b) Upon determining that any person licensed by the Tribe to sell liquor or beer is, for any reason, no longer qualified to hold such license or reasonably appears to have violated any terms of the license or tribal regulations, including failure to pay taxes when due and owing, or have been found by any forum of competent jurisdiction, including the Commission, to have violated the terms of a tribal or state license or of any provision of this Ordinance, the Chairperson of the Commission shall immediately serve written notice upon the Licensee directing that he/she show cause within ten days why his or her license should not be revoked or restricted. The notice shall state the grounds relied upon for the proposed revocation or restriction.

(c) If the Licensee fails to respond to the notice within ten (10) days of service, the Chairperson may issue an order revoking the license or placing such restrictions on the license as the Chairperson deems appropriate, effective immediately. The Licensee may, within the 10 day period, file with the Office of the Chairperson a written response and request for hearing before the Commission.

(d) At the hearing, the Licensee may present evidence and argument directed at the issue of whether or not the asserted grounds for the proposed revocation or restriction are in fact true, and whether such grounds justify the revocation or modifications of the license. The Tribe may present other evidence as it deems appropriate.

(e) The Commission after considering all of the evidence and arguments, shall issue a written decision either upholding the license, revoking the license or imposing some lessor penalty (such as a temporary suspension or a fine), and such decision shall be final and conclusive.

(f) The Commission's final decision, upon posting a bond with the Court sufficient to cover the Commission's final hearing assessment or ruling, may be appealed by Licensee to the Iowa Tribe of Kansas and Nebraska Court. Any findings of fact of the Commission are conclusive upon the Court unless clearly unsupported by the evidence in the record. The purposes of Court review are not to substitute the Court's finding of facts or opinion for the Commission's, but to guarantee due process of law. If the Court should rule for the appealing party, the Court may order a new hearing before the Commission giving such guidance for the conduct of such as it deems necessary for a fair hearing. No damage or monies may be awarded against the Commission, its members, nor the Tribe and its agents and employees in such an action.

Chapter Three—Liquor and Beer Sales and Transportation

Section 301. Sales by Liquor and Beer Wholesalers and Transport of Liquors and Beers Upon Iowa Indian Country

(a) Right of Commission to scrutinize Suppliers. The Operator of any licensed outlet shall keep the commission informed, in writing, of the identity of the suppliers and/or wholesalers who supply or are expected to supply liquor and/or beer stocks to the outlet(s). The Commission may, at its discretion, limit or prohibit the purchases of said stock from a supplier or wholesaler for the following reasons: Non-payment of Tribal taxes; bad business practices; or sale of unhealthy supplies. A ten day notice of stopping purchases (Stop Purchase Order) will be given by the Commission whenever purchases from a supplier are to be discontinued unless there is a health emergency, in which case the Stop Purchase Order may take effect immediately.

(b) Freedom of Information from Suppliers. Operators shall in their purchase of stock and in their business relations with suppliers cooperate with and assist the free flow of information and data to the Commission from

suppliers relating to the sales and business arrangements between the suppliers and Operators. The Commission may, at its discretion, require the receipts from the suppliers of all invoices, bills of lading, billings or other documentary receipts of sales to the Operators. All records shall be kept according to Section 302(g) of this ordinance.

Section 302. Sales by Retail Operators

(a) Commission Regulations. The Commission shall adopt regulations which shall supplement this Ordinance and facilitate their enforcement. These regulations shall include prohibitions on sales to minors, where liquor and/or beer may be consumed, persons not allowed to purchase liquor and/or beer, hours and days when outlets may be open for business, and other appropriate matters and controls.

(b) Sales to Minors. No person shall give, sell, or otherwise supply liquor and/or beer to any person under twenty-one (21) years of age either for his or her own use or for the use of his or her parents or for the use of any other person.

(c) Consumption of Liquor and/or Beer upon Licensed Premises. No Operator shall permit any person to open or consume liquor or beer on his or her premises or any premises adjacent thereto and in his or her control until the Commission allows the consumption of liquor and/or beer and identifies where liquor and/or beer may be consumed on Iowa Indian Country.

(d) Conduct on Licensed Premises.

(1) No operator shall be disorderly, boisterous, or intoxicated on the licensed premises or on any public premises adjacent thereto which are under his or her control, nor shall he or she permit any disorderly, boisterous, or intoxicated person to be thereon; nor shall he or she use or allow the use of profane or vulgar language thereon.

(2) No Operator shall permit suggestive, lewd, or obscene conduct or acts on his or her premises. For the purpose of this section, suggestive, lewd or obscene acts or conduct shall be those acts or conduct identified as such by the laws of the Tribe and/or of the State of Kansas.

(e) Employment of Minors. No person under the age of twenty-one (21) years of age shall be employed in any service in connection with the sale or handling of liquor, either on a paid or voluntary basis.

(f) Operator's Premises Open to Commission Inspection. The premises of all Operators, including vehicles used in connection with liquor and/or beer sales, shall be open during business hours and at all other reasonable times to inspection by the Commission or its designated representatives.

(g) Operator's Records. The originals or copies of all sales slips, invoices, and other memoranda covering all purchases of liquor and/or beer by Operators shall be kept on file in the retail premises of the Operator purchasing the sale for at least five (5) years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible, shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and checking. All canceled checks, bank statements and books of accounting covering or involving the purchase of liquor and/or beer, and all memoranda, if any, showing payment of money for liquor and/or beer other than by check, shall be likewise preserved for availability for inspection and checking.

(h) Records Confidential. All records of the Commission showing the purchase of liquor by any individual or group shall be confidential and shall not be inspected except by members of the Commission or its authorized representatives.

(i) Conformity with State Law. Operators shall comply with the State of Kansas liquor and beer laws to the extent required by 18 U.S.C. Sec. 1161. However, the Tribe shall have the fullest jurisdiction allowed under Federal law over the sale of liquor and beer products, and related products or activities, within the boundaries of Iowa Indian Country.

Section 303. Transportation through the Reservation not Affected

Nothing herein shall pertain to the otherwise lawful transportation of liquor or beer through the Iowa Indian Country by persons remaining upon public highways and where such beverages are not delivered or sold or offered for sale to anyone within the Iowa Indian Country.

Chapter Four—Taxation and Audits

Section 401. Excise Tax Imposed Upon Distribution of Liquor

(a) General Taxing Authority. The Executive Committee shall have authority, as provided by Tribal law, to assess and collect tax on sales of liquor and beer products to the consumer or purchaser. The tax shall be collected and paid to the Tribe upon all liquor and beer products sold within the jurisdiction of the Tribe. The Executive Committee may establish differing tax rates for any given class of merchandise, which shall be paid prior to the time of retail sale and delivery thereof. Provided, however, the total amount of the state local and tribal tax shall not exceed one hundred twenty-five percent (125%) of the applicable state and local taxes which apply off-reservation in Brown County, Kansas.

(b) Excise Tax. An excise tax, to be set by the Executive Committee, on the wholesale price shall be added to the retail selling price of liquor and beer products sold to the ultimate consumer or purchaser. All taxes paid pursuant to this Ordinance shall be conclusively presumed to be direct taxes on the retail consumer precollected for the purposes of convenience and facility only.

(c) Tribal Tax Stamp. Within 72 hours after receipt of any liquor or beer by any wholesaler or retailer subject to this Ordinance, a tribal tax stamp shall be securely affixed thereto denoting the tribal tax thereon. Retailers or sellers of liquor and/or beer within the Tribe's jurisdiction may buy and sell or have in their possession only liquor and/or beer which have the tribal tax stamp affixed to each package.

Section 402. Audits and Inspection

(a) Inspection and Audit. All of the books and other business records of the outlet shall be available for inspection and audit by the Commission or its authorized representative during business hours and at all other reasonable times.

(b) Bond for Excise Tax. The excise tax, together with reports on forms to be supplied by the Commission, shall be remitted to the Commission on a monthly basis unless otherwise specified in writing by the Commission. The Operator shall furnish a satisfactory bond to the Commission in an amount to be specified by the Commission guaranteeing his or her payment of excise taxes.

Chapter Five—Liability Insurance and Sovereign Immunity

Section 501. Liability for Bills

The Tribe and the Commission shall have no legal responsibility for any unpaid bills owed by a liquor and/or beer outlet to a wholesale supplier or any other person.

Section 502. Tribal Liability and Credit

(a) Unless explicitly authorized by tribal statute, Operators are forbidden to represent or give the impression to any supplier or person with whom he or she does business that he or she is an official representative of the Tribe or the Commission authorized to pledge tribal credit or financial responsibility for any of the expenses of his or her business

operation. The Operator shall hold the Tribe and the Commission harmless from all claims and liability of whatever nature. The Commission shall revoke an Operator's outlet license(s) if said outlet(s) is not operated in a businesslike manner or if it does not remain financially solvent or does not pay its operating expenses and bills before they become delinquent.

(b) Insurance. The Operator shall maintain at his or her expense adequate insurance covering liability, fire, theft, vandalism, and other insurable risks. The Commission may establish as a condition of any license, the required insurance limits and any additional coverage deemed advisable, proof of which shall be filed with the Commission.

Section 503. Sovereign Immunity Preserved

Nothing in this statute shall be construed as a waiver or limitation of the sovereign immunity of the Iowa Tribe of Kansas and Nebraska or its agencies, nor their officers or employees.

Chapter Six—Violations-Penalties

Section 601. Violations-Penalties

(a) Any person who violates this ordinance or elicits, encourages, directs or causes to be violated these laws shall be guilty of an offense and subject to a fine. Failure to have a current, valid or proper license shall not constitute a defense to an alleged violation of the licensing laws or regulations. The Tribe's Court system will have jurisdiction over the proceeding.

(1) Any person convicted of committing any violation of this Ordinance shall be subject to punishment of up to one year imprisonment and/or a fine not to exceed Five Thousand Dollars ($5,000.00).

(2) Additionally, any person upon committing any violation of any provision of this Ordinance may be subject to a civil action for trespass, and upon having been determined by the Court to have committed the violation, shall be found to have trespassed upon the lands of the Iowa Tribe, and shall be assessed such damages as the Court deems appropriate in the circumstances.

(3) Any person suspected of having violated any provision of this Ordinance shall, in addition to any other penalty imposed hereunder, be required to surrender any liquor or beer in such person's possession to the officer making the arrest or complaint. The surrendered beverages, if previously unopened, shall only be returned upon a finding by the Court after trial that the individual committed no violation of this Ordinance.

(4) Any Operator who violates the provisions set forth herein shall forfeit all of the remaining stock in the outlet(s). The commission shall be empowered to seize forfeited products.

(5) Any stock, goods or other items subject to this Ordinance that have not been registered, licensed, or taxes paid shall be contraband and subject to immediate confiscation by the Commission or its employees or agents, PROVIDED, that within fifteen (15) days of the seizure the Commission shall cause to be filed an action against such property alleging the reason for the seizure or confiscation, and upon proof, the Court shall order the property forfeited and vested in the Iowa Tribe of Kansas and Nebraska.

Chapter Seven—Miscellaneous Provisions

Section 701. Severability

If any provision of this Ordinance in its application to any person or circumstance is held invalid, the remainder of the Ordinance and its application to other persons or circumstances is not affected.

Section 702. Effective Date

This Ordinance shall become effective upon publication of the Secretary of the Interior's certification notice in the **Federal Register**.

Section 703. Repeal of Existing Liquor Ordinance

On the Effective Date, Tribal Resolution 95–R–30 shall be repealed and of no further force or effect whatsoever, having been replaced and superseded by this ordinance.

Dated: April 6, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–10500 Filed 4–20–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–010–1060–00]

Helicopter and Motorized Vehicle Use While Gathering Wild Horses and Burros; Hearings/Meetings

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of public hearings.

SUMMARY: Two public hearings on the use of helicopters and motorized vehicles have been scheduled in Colorado in 1998. The May 21 meeting will discuss helicopter use in the Spring Creek Herd Management Area, San Juan Resource Area. The June 22 hearing will discuss helicopter use in the Sand Wash Herd Management Area, Little Snake Resource Area; the West Douglas and North Piceance Herd Areas, White River Resource Area; and the Bookcliffs Wild Horse Range, Grand Junction Resource Area. This gives notice of the times and dates of these two hearings.

DATES: The hearings/meetings are scheduled as follows:

1. May 21, 1998, 12 Noon, Norwood, Colorado
2. June 22, 1998, 6:00 p.m., Meeker, Colorado

ADDRESSES: The hearings/meetings will be held at the following locations:

1. Norwood—Forest Service Office, 1760 East Grand, Norwood, Colorado 81401
2. Meeker—White River Resource Area Office, 73544 Highway 64, Meeker, Colorado 81641

FOR FURTHER INFORMATION CONTACT: Valerie Dobrich, White River Resource Area, 73544 Highway 64, Meeker, Colorado 81641; Telephone (970) 878–3601.

SUPPLEMENTARY INFORMATION: The agenda will be limited to:

1. Introduction and Opening Remarks
2. Review of the Wild Horse Gathering Plans for 1998
3. Use of Helicopters in the Gather of Wild Horses
4. Public Comment Period

Robert W. Schneider,

Associate District Manager.

[FR Doc. 98–10547 Filed 4–20–98; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–0777–63; GP7–0022; ORE–03587]

Public Land Order No. 7325; Modification and Partial Revocation of Public Land Order No. 1144; OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order establishes a 20-year term as to 949.43 acres of National Forest System lands withdrawn by a public land order for the Forest Service's Miller Lake Recreation Area. These lands have been and will remain closed to mining, but will be opened to surface entry, and will remain open to mineral leasing. This order also revokes

the public land order insofar as it affects the remaining 325 acres which are no longer needed for the recreation site. These lands will remain closed to surface entry, mining, and mineral leasing by an overlapping withdrawal.

EFFECTIVE DATE: May 21, 1998.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 1144, which withdrew lands for Forest Service recreation areas, is hereby modified to expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended insofar as it affects the following described lands:

Willamette Meridian

Winema National Forest

T. 27 S., R. 6½ E.,
Sec. 11, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼, and those portions of the N½NE¼, SE¼NE¼, and NE¼NW¼ lying outside the Mt. Thielsen Wilderness Area boundary;
Sec. 12, SW¼SW¼ and those portions of the N½SW¼, SE¼SW¼, and SW¼SE¼ lying outside the Mt. Thielsen Wilderness Area boundary;
Sec. 13, lots 1 to 7, inclusive, and NW¼SW¼;
Sec. 14, NE¼ and NE¼NW¼.

The area described contains approximately 949.43 acres in Klamath County.

The lands described above continue to be withdrawn from location and entry under the United States mining laws to protect the Forest Service's Miller Lake Recreation Area. These lands have been and will remain open to leasing under the mineral leasing laws.

2. Public Land Order No. 1144, which withdrew lands for Forest Service recreation areas, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Winema National Forest

T. 27 S., R. 6½ E.,
Sec. 11, W½W½, and those portions of the NE¼ and N½NE¼NW¼ lying within the Mt. Thielsen Wilderness Area boundary;
Sec. 12, those portions of the SW¼ and SW¼SE¼ lying within the Mt. Thielsen Wilderness Area boundary.

The areas described aggregate approximately 325 acres in Klamath County.

The lands described above will remain closed to surface entry, mining, and mineral leasing by the overlapping Mt. Thielsen Wilderness Area withdrawal.

3. At 8:30 a.m. on May 21, 1998, the lands described in paragraph 1 will be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable laws.

Dated: April 2, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–10515 Filed 4–20–98; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–01; GP7–0125; OR–19044]

Public Land Order No. 7326; Partial Revocation of Executive Order Dated July 2, 1910; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order insofar as it affects 1,800 acres of public lands withdrawn for Bureau of Land Management Powersite Reserve No. 125. The lands are no longer needed for the purpose for which they were withdrawn. Of the lands being revoked, 1,320 acres will remain closed to surface entry due to another overlapping withdrawal, but will remain open to mining and mineral leasing. Of the remaining 480 acres, 320 acres have been conveyed out of Federal ownership with a reservation of all minerals to the United States, and 160 acres have been conveyed out of Federal ownership and have no remaining reservations to the United States.

EFFECTIVE DATE: April 21, 1998.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated July 2, 1910, which established Powersite Reserve No. 125, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

(a) Public Lands

T. 3 S., R. 14 E.,
Sec. 13, S½N½, N½SW¼, and SE¼;
Sec. 14, S½NE¼ and SE¼;
Sec. 23, NE¼, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 35, NE¼NE¼, SW¼NE¼, S½SW¼, and NE¼SE¼.
T. 3 S., R. 15 E.,
Sec. 5, SE¼NE¼ and E½SE¼.

(b) Private Surface, Federal Minerals

T. 3 S., R. 14 E.,
Sec. 26, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼;
Sec. 35, E½NW¼.

(c) Private Surface and Minerals

T. 3 S., R. 14 E.,
Sec. 26, NW¼NE¼, E½NW¼, and NE¼SW¼.

The areas described aggregate 1,800 acres in Sherman and Wasco Counties.

2. The lands described in paragraph 1(b) have been conveyed out of Federal ownership with a reservation of all minerals to the United States. The lands have been and will remain open to mining and mineral leasing.

3. The lands described in paragraph 1(c), have been conveyed out of Federal ownership with no reservations to the United States.

4. The lands described in paragraph 1(a) are included in the Bureau of Land Management's withdrawal for the Deschutes Wild and Scenic River, and have been and will remain closed to surface entry, but will remain open to mining and mineral leasing.

Dated: April 2, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–10597 Filed 4–20–98; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

[CA–068–7122–00–D063; CACA 39532]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Army, Los Angeles District, Corps of Engineers, has filed an application to withdraw approximately 391,809 acres of public lands to expand the U.S. Army's National Training Center at Fort Irwin. This notice closes the lands for up to 2 years from surface entry and mining.

The lands will remain open to mineral leasing.

DATES: Comments and requests for meeting should be received on or before July 20, 1998.

ADDRESSES: Comments and meeting requests should be sent to the Field Manager, Barstow Field Office, BLM, 2601 Barstow Road, Barstow, California 92311.

FOR FURTHER INFORMATION CONTACT: Mike Dekeyrel, Barstow Field Office, 760–252–6030, or Duane Marti, BLM California State Office, 916–978–4675.

SUPPLEMENTARY INFORMATION: On December 16, 1997, the Department of the Army filed an application to withdraw the following described public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

San Bernardino Meridian

T. 11 N., R. 1 E.
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and S½, excluding lands west of Fort Irwin Road;
Sec. 3, lot 1 of NE¼, SE¼SW¼, and SE¼, excluding lands west of Fort Irwin Road;
Sec. 10, all, excluding lands west of Fort Irwin Road;
Secs. 11 to 12, inclusive;
Secs. 14 to 15, inclusive;
Sec. 15, all;
Sec. 22, lots 1–4 inclusive, S½N½, and S½;
Sec. 23, lots 1–4 inclusive, S½N½, and S½;
Sec. 24, lots 1–4 inclusive, S½N½, and S½.

T. 11 N., R. 2 E.
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and S½;
Sec. 3, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and S½;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and S½;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and SE¼;
Sec. 7, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 8, N½;
Secs. 10 to 15, inclusive;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 19, lots 1–9 inclusive, NE¼, SE¼NW¼ and E½SW¼;
Sec. 20, all;
Secs. 22 to 24, inclusive;
Secs. 26 to 28, inclusive;
Sec. 32, all;
Sec. 34, all;
Sec. 35, W½.

T. 11 N., R. 3 E.
Sec. 1, S½SW¼, excluding Mineral Survey 6005A;
Sec. 2, lots 1–4 inclusive, S½N½, and S½, excluding Mineral Surveys 6005A and 6607;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and S½;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and SE¼;
Sec. 7, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 8, all;
Sec. 10, lots 1–8 inclusive, SW¼NE¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 11, lots 2–8 inclusive, S½NE¼, NW¼, N½SW¼, and NW¼SE¼, excluding Mineral Surveys 6005A and 6005B;
Sec. 12, all, excluding Mineral Survey 6005A;
Secs. 14 to 15, inclusive;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 19, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 20, N½;
Secs. 22 to 24, inclusive;
Secs. 26 to 28, inclusive;
Sec. 30, lots 1 and 2 of SW¼;
Sec. 31, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½.

T. 11 N., R. 4 E.
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and S½;
Sec. 4, lots 1–8 inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 6, lots 1–7 inclusive, NE¼, E½NW¼, NW¼SW¼, and N½SE¼;
Sec. 8, all;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 19, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 20, all;
Sec. 22, all;
Sec. 24, all;
Secs. 27 to 28, inclusive;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½.

T. 11 N., R. 5 E.
Sec. 2, W½ lot 2 of NE¼, lots 1 and 2 of NW¼, and N½SW¼;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and S½;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and SE¼;
Sec. 8, all;
Sec. 10, NW¼;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½.

T. 12 N., R. 1 E.
Sec. 35, SW¼, and E½, excluding lands west of Fort Irwin Road.

T. 12 N., R. 2 E.
Secs. 9 to 10, inclusive;
Sec. 13, N½;
Sec. 14, all;
Sec. 15, N½NE¼;
Sec. 20, all, excluding lands west of Fort Irwin Road;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, N½, and N½S½;
Sec. 32, SW¼;
Sec. 34, all.

T. 12 N., R. 3 E.
Sec. 20, all;
Sec. 22, all;
Sec. 23, N½;
Sec. 24, lots 1–7 inclusive, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 26, lots 1–4 inclusive, S½N½, and S½;
Sec. 27, lots 7 and 9, and NW¼SW¼;
Sec. 28, all;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 32, all;
Sec. 34, lots 1–4 inclusive, E½W½, and E½.

T. 12 N., R. 4 E.
Sec. 19, lots 1–5 inclusive, S½NE¼, SE¼NW¼, and SE¼;
Secs. 20 to 22, inclusive, unsurveyed;
Secs. 23 to 24, inclusive;
Sec. 24, all;
Sec. 25, N½, and SE¼;
Sec. 26, all;
Sec. 27, N½;
Sec. 28, all;
Sec. 30, lots 1–4 inclusive, E½W½, and E½;
Sec. 32, all;
Sec. 34, lots 1–8 inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼.

T. 12 N., R. 5 E.
Secs. 9 to 15, inclusive;
Sec. 17, all;
Sec. 19, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 32, all;
Sec. 34, all, excluding Mineral Entry Patent 04–93–0003 and Mineral Entry Application CACA 27810;
Sec. 35, N½.

T. 12 N., R. 6 E.
Sec. 7, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 8, W½W½;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 20, all;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½.

T. 18 N., R. 1 E.,
Sec. 13, S½ unsurveyed;
Sec. 14, S½ unsurveyed;
Sec. 15, S½ unsurveyed;
Sec. 17, S½ unsurveyed;
Sec. 18, S½ unsurveyed;
Secs. 19 to 24, inclusive, unsurveyed.

T. 18 N., R. 2 E.,
Sec. 13, S½
Sec. 14, S½
Sec. 15, S½ unsurveyed;
Sec. 17, S½ unsurveyed;
Sec. 18, S½ unsurveyed;
Secs. 19 to 22, inclusive, unsurveyed;
Sec. 23, partly unsurveyed;
Sec. 24.

T. 18 N., R. 3 E.,
Sec. 13, SW¼ unsurveyed;
Sec. 14, S½ unsurveyed;
Sec. 15, S½ unsurveyed;
Sec. 17, S½
Sec. 18, lots 1 and 2 of SW¼, and SE¼
Secs. 19 to 24, inclusive.

T. 18 N., R. 4 E.,
Sec. 13, S½, unsurveyed;
Sec. 14, S½, partly unsurveyed;
Sec. 15, S½;
Sec. 17, S½;
Sec. 18, lots 1 and 2 of SW¼, and SE¼;
Sec. 19;

Secs. 20 and 21, partly unsurveyed;
Sec. 22; secs. 23 and 24, partly unsurveyed.
T. 12 N., R. 5 E.,
Secs. 1 to 4, inclusive.
T. 13 N., R. 5 E.,
Sec. 13;
Secs. 24, 25, and 26;
Secs. 34 and 35.
T. 17 N., R. 5 E.,
Secs. 1, 2, and 3, unsurveyed, excluding patented land;
Sec. 4, unsurveyed;
Secs. 5 and 6, unsurveyed, excluding patented land;
Sec. 7, unsurveyed;
Sec. 8, unsurveyed, excluding patented land;
Secs. 9 to 12, inclusive, unsurveyed.
T. 18 N., R. 5 E.,
Sec. 13, NW¼SE¼, SW¼, S½SE¼;
Sec. 14, S½;
Sec. 15, S½, partly unsurveyed, excluding patented land;
Sec. 17, S½, unsurveyed;
Sec. 18, S½, unsurveyed, excluding patented land;
Sec. 19, unsurveyed, excluding patented land;
Sec. 20, unsurveyed;
Sec. 21, unsurveyed, excluding patented land;
Sec. 22, partly unsurveyed, excluding patented land;
Sec. 23, partly unsurveyed;
Sec. 24;
Sec. 25, partly unsurveyed;
Secs. 26, 27, and 28, unsurveyed, excluding patented land;
Secs. 29 to 33, inclusive, unsurveyed;
Secs. 34 and 35, unsurveyed, excluding patented land;
T. 12 N., R. 6 E.,
Sec. 5, lots 1 and 2 of NW¼, and W½SW¼;
Sec. 6;
T. 13 N., R. 6 E.,
Secs. 1 to 5, inclusive;
Secs. 7 and 8;
Sec. 9, partly unsurveyed;
Secs. 10 to 15, inclusive, unsurveyed;
Secs. 17 to 21, inclusive;
Sec. 22, partly unsurveyed;
Secs. 23, 24, and 25, unsurveyed;
Sec. 26, partly unsurveyed;
Secs. 27 to 32, inclusive;
Sec. 33, N½ and NW¼SW¼;
Sec. 34, N½, N½SW¼ and SE¼;
T. 14 N., R. 6 E.,
Sec. 1 partly unsurveyed;
Sec. 2;
Sec. 11;
Secs. 12 and 13, unsurveyed, excluding patented land;
Sec. 14;
Sec. 23;
Sec. 24, unsurveyed;
Sec. 25, partly unsurveyed;
Sec. 26;
Secs. 33, 34, and 35;
T. 15 N., R. 6 E.,
Secs. 1 and 2;
Sec. 11, lots 1, 2, and 3, N½NE¼, SW¼NE¼, W½, and W½SE¼;
Sec. 12, lots 1, 3 to 6, inclusive, E½, and N½NW¼;
Sec. 13, lots 3, 4, and 5, E½, NE¼SW¼, and S½SW¼;
Sec. 14, lots 1, 2, and 3, W½NE¼, W½, W½SE¼, and SE¼SE¼;
Secs. 23 to 26 inclusive;
Sec. 35.
T. 16 N., R. 6 E.,
Sec. 1, unsurveyed, excluding patented land;
Sec. 2, unsurveyed;
Sec. 11, unsurveyed;
Secs. 12 and 13, unsurveyed, excluding patented land;
Sec. 14, unsurveyed;
Secs. 23 to 26, inclusive, unsurveyed;
Sec. 35, unsurveyed.
T. 17 N., R. 6 E.,
Secs. 1 to 4, inclusive, unsurveyed;
Secs. 5 to 8, inclusive, unsurveyed, excluding patented land;
Secs. 9 to 15, inclusive, unsurveyed;
Secs. 17 and 18, unsurveyed;
Secs. 22 to 27, inclusive, unsurveyed;
Secs. 34 and 35, unsurveyed.
T. 18 N., R. 6 E.,
Sec. 13, excluding that portion located within WSA CDCA 220 (South Saddle Peak Mountains);
Sec. 15, S½, excluding that portion located within WSA CDCA 220 (South Saddle Peak Mountains);
Sec. 17, S½, excluding that portion located within WSA CDCA 220 (South Saddle Peak Mountains);
Sec. 18, lots 1 and 2 of SW¼, and SE¼, excluding that portion located within WSA CDCA 220 (South Saddle Peak Mountains);
Secs. 19, 20, and 21;
Secs. 22, 23, and 24, inclusive, excluding that portion located within WSA CDCA 220 (South Saddle Peak Mountains);
Sec. 25;
Secs. 26 to 30, inclusive, partly unsurveyed;
Sec. 31, unsurveyed, excluding patented land;
Secs. 32 to 35, inclusive, unsurveyed.
T. 13 N., R. 7 E.,
Secs. 5 to 8, inclusive, unsurveyed.
T. 14 N., R. 7 E.,
Secs. 1 to 12, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 15 N., R. 7 E.,
Secs. 1 to 15, inclusive;
Sec. 17;
Secs. 18 and 19, excluding patented land;
Secs. 20 to 35, inclusive.
T. 16 N., R. 7 E.,
Sec. 1;
Sec. 2, partly unsurveyed;
Secs. 3, 4, and 5, unsurveyed;
Secs. 6 and 7, unsurveyed, excluding patented land;
Secs. 8 to 11, inclusive, unsurveyed;
Secs. 12 and 13;
Secs. 14 and 15, unsurveyed;
Secs. 17 to 23, inclusive, unsurveyed;
Secs. 24 and 25;
Secs. 26 to 34, inclusive, unsurveyed;
Sec. 35, partly unsurveyed.
T. 17 N., R. 7 E.,
Secs. 1, 2, and 3;
Secs. 4 and 5, partly unsurveyed;
Secs. 6 to 9, inclusive, unsurveyed;
Secs. 10 to 14, inclusive;
Sec. 15, partly unsurveyed;
Secs. 17 to 22, inclusive, unsurveyed;
Secs. 23 and 26, inclusive;
Secs. 27 to 34, inclusive, unsurveyed;
Sec. 35.
T. 18 N., R. 7 E.,
Secs. 13, 14, and 15;
Sec. 17, partly unsurveyed;
Secs. 18 and 19, unsurveyed;
Sec. 20, partly unsurveyed;
Secs. 21 to 29, inclusive;
Sec. 30, partly unsurveyed;
Sec. 31, unsurveyed;
Sec. 32, partly unsurveyed;
Secs. 33 to 35, inclusive.
T. 14 N., R. 8 E.,
Secs. 6 and 7.
T. 15 N., R. 8 E.,
Sec. 1, partly unsurveyed;
Secs. 2 to 11, inclusive;
Sec. 12, partly unsurveyed, excluding that portion in the Hollow Hills Wilderness;
Secs. 13 and 14, excluding that portion in the Hollow Hills Wilderness;
Sec. 15;
Secs. 17 to 21, inclusive;
Secs. 28 to 31, inclusive.
T. 16 N., R. 8 E.,
Sec. 1, unsurveyed, excluding patented land;
Sec. 2, partly unsurveyed, excluding patented land;
Sec. 3, partly unsurveyed;
Secs. 4 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 17 N., R. 8 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 21, 22, and 23, partly unsurveyed;
Secs. 24 to 27, inclusive, unsurveyed;
Sec. 28, partly unsurveyed;
Secs. 29 to 32, inclusive;
Sec. 33, partly unsurveyed;
Secs. 34 and 35, unsurveyed.
T. 18 N., R. 8 E.,
Secs. 13, 14, and 15, partly unsurveyed;
Secs. 17 to 21, inclusive;
Secs. 22, 23, and 24, partly unsurveyed;
Secs. 25 to 35, inclusive.
T. 15 N., R. 9 E.,
Sec. 4 and 5, unsurveyed, excluding Hollow Hills Wilderness Area;
Sec. 6, unsurveyed;
Sec. 7, unsurveyed, excluding Hollow Hills Wilderness Area.
T. 16 N., R. 9 E.,
Secs. 5 and 6, partly unsurveyed;
Secs. 7 and 8;
Secs. 17 to 20, inclusive;
Sec. 29, unsurveyed;
Sec. 30, partly unsurveyed;
Secs. 31 and 32, unsurveyed.
T. 17 N., R. 9 E.,
Secs. 5 to 8, inclusive;
Secs. 17 and 18;
Sec. 19, partly unsurveyed;
Sec. 20;
Secs. 29 and 30, partly unsurveyed;
Secs. 31 and 32, unsurveyed.
T. 18 N., R. 9 E.,
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive;

The areas described aggregate approximately 391,809 acres in San Bernardino County.

For a period of 90 days from the date of publication of this notice, all persons

who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the California State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the California State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are licenses, permits, cooperative agreements, discretionary land use authorizations of a temporary nature, and rights-of-way, including those associated with approved utility corridors BB and D.

Dated: April 13, 1998.

David McIlnay,

Chief, Branch of Lands.

[FR Doc. 98–10425 Filed 4–20–98; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 11, 1998. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by May 6, 1998.

Patrick Andrus,

Acting Keeper of the National Register.

Alaska

Southeast Fairbanks Borough-Census Area
Chisana Historic Mining Landscape, Address Restricted, Northway vicinity, 98000436

Colorado

Rio Grande County
Keck Homestead, 12888 Cty. Rd. 15, Del Norte vicinity, 98000437

Louisiana

Avoyelles Parish
Central Bank and Trust Co., 2472 Main St., Hessmer, 98000439
East Baton Rouge Parish
Adams House, 421 S. Seventh, Baton Rouge, 98000440
Jefferson Davis Parish
Calkins—Orvis House, 210 W. Nichols, Welsh, 98000438

Ohio

Fayette County
Judy Chapel, 1741 Washington Ave., Washington Court House, 98000441
Licking County
Rodrick Bridge, N of Granville Rd., between Hall Ave. and Village Dr. W, Newark, 98000442

Pennsylvania

Greene County
Kent, Thomas, Jr. Farm, 208 Laurel Run Rd., Waynesburg, 98000444
Rex, John, Farm, 0.5 mi. E. of Jefferson on PA 188, Jefferson, 98000443

South Dakota

Dewey County
Drees Brothers General Merchandise, 812 Main St., Timber Lake, 98000445
Douglas County
Delmont Pumphouse, Main St., Delmont, 98000446

Texas

Lubbock County
Cactus Theater, 1812 Buddy Holly Ave., Lubbock, 98000447
Travis County
Keith House, 2400 Harris Blvd., Austin, 98000448
Ziller House, 1110 Blanco, Austin, 98000449

Virginia

Hopewell Independent City
Hopewell Municipal Building, 300 Main St., Hopewell vicinity, 98000451
Loudoun County
Mount Zion Old School Baptist Church—VDHR 53–339, 40309 John Mosby Hwy., Aldie vicinity, 98000452
Richmond Independent City
Manchester Courthouse, 920 Hull St., Richmond, 98000450

[FR Doc. 98–10472 Filed 4–20–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services

FY 1998 Community Policing Discretionary Grants

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: Notice of availability.

SUMMARY: The Department of Justice, Office of Community Oriented Policing Services (''COPS'') announces a new grant program, School-Based Partnerships, designed to keep children safe by reducing school-related crime. This program, which complements the COPS Office's efforts to add 100,000 officers to our nation's streets and support innovative community policing, will help make schools safer for all children. The School-Based Partnerships grant program will provide policing agencies with a unique opportunity to work with schools and community-based organizations to address persistent school-related crime problems. Applicants must focus on one primary school-related crime or disorder problem, occurring in or around an elementary or secondary school, such as: Drug dealing or use on school grounds, problems experienced by students on the way to and from school, assault/sexual assault, alcohol use or alcohol-related problems/DWI, threat/intimidation, vandalism/graffiti, loitering and disorderly conduct directly related to crime or student safety, disputes that pose a threat to student safety, or larceny.

All local, Indian tribal, school police departments (consisting of officers with sworn authority) and other public law enforcement agencies committed to community policing are eligible to apply. Law enforcement agencies must partner with either a specific school, school district, or a nonprofit organization. A partnership between a policing agency and a specific school is encouraged, but if such a partnership is not practical, a policing agency may partner with a nonprofit community group. A collaboration agreement outlining the conditions and benefits each participant will contribute to the project must be included in the application .

DATES: School-Based Partnerships Application Kits will be available in late April, 1998. The deadline for applications is June 15, 1998. Applications must be postmarked by June 15, 1998, to be eligible.

ADDRESSES: To obtain an application and the companion guide, ''Problem-

Solving Tips: A Guide to Reducing Crime and Disorder Through Problem-Solving Partnerships,'' or for more information, call the U.S. Department of Justice Response Center, (202) 307–1480 or 1–800–421–6770. A copy of the application kit and ''Problem-Solving Tips'' also will be available in late April on the COPS Office web site at: http://www.usdoj.gov/cops.

FOR FURTHER INFORMATION CONTACT: The U.S. Department of Justice Response Center, (202) 307–1480 or 1–800–421–6770 or your grant advisor.

SUPPLEMENTARY INFORMATION:

Overview

The Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103–322) authorizes the Department of Justice to make grants to increase deployment of law enforcement officers devoted to community policing on the streets and rural routes in this nation. As part of the Clinton Administration's commitment to combat and prevent crime in and around America's schools, the Justice Department's Office of Community Oriented Policing Services (COPS) has a new grant program, School-Based Partnerships, designed to keep children safe by reducing school-related crime. This program, which complements the COPS Office's efforts to add 100,000 officers to our nation's streets and support innovative community policing, will help make schools safer for all children.

The School-Based Partnerships grant program will provide policing agencies with a unique opportunity to work with schools and community-based organizations to address persistent school-related crime problems. Applicants must focus on one primary school-related crime or disorder problem, occurring in or around an elementary or secondary school, such as: Drug dealing or use on school grounds, problems experienced by students on the way to and from school, assault/sexual assault, alcohol use or alcohol-related problems/DWI, threat/intimidation, vandalism/graffiti, loitering and disorderly conduct directly related to crime or student safety, disputes that pose a threat to student safety, or larceny.

The School-Based Partnerships program emphasizes problem analysis, a key component of problem solving, to help develop effective responses, including prevention and intervention efforts. For example, a problem analysis might show that 80 percent of the assaults on students at a particular school are committed by truant students with prior arrest records from other schools. A comprehensive response to this problem might involve a collaborative effort among a team of social services personnel, school administrative staff, police and probation officers. This team might work together to change policies and improve communication to exert more control over the offenders and the problem behaviors. Similarly, other responses may include: Training students in conflict resolution, restorative justice/community justice initiatives, crime awareness/prevention programs, programs targeting likely victims and offenders at high-risk times, social service intervention programs, physical changes in the environment to reduce the problem, and school policy and procedural changes.

Applicants will use problem-solving methods to understand the causes of the problem; develop specific, tailor-made responses to that problem; and assess the impact of those responses. In order to help communities use creative problem solving to address school-related problems, this grant will fund resources such as: Computer technology; crime analysis personnel; the cost of conducting student surveys and victim/offender interviews; the cost of community organizers, school personnel and/or students involved in analyzing or coordinating the project; and training and technical assistance in collaborative problem solving. To complement this grant program, school resource officers may be hired through the COPS Universal Hiring Program (UHP) grant program.

Although this grant program is focused on the careful analysis of a specific school-related crime problem, it is not intended to be overly complex or technical. Applicants are not expected to be experts in problem solving and crime analysis. Any organization concerned with school safety or crime issues is encouraged to participate in this program. Applicants that would like assistance in problem-solving techniques are encourage to plan for such technical assistance in their project budgets.

This grant program is expected to be extremely competitive. A total of up to $12,000,000 in funding will be available under the School-Based Partnerships program. A local match will not be required, although applicants are encouraged to contribute cash or in-kind resources to their proposed projects. An additional $5.5 million will be available for further efforts under the School-Related Crime Prevention and Safety Initiative.

Grant funds must be used to supplement, and not supplant, state or local funds that otherwise would be devoted to public safety activities.

All local, Indian tribal, school police departments (consisting of officers with sworn authority) and other public law enforcement agencies committed to community policing are eligible to apply. Law enforcement agencies must partner with either a specific school, school district, or a nonprofit organization. A partnership between a policing agency and a specific school is encouraged, but if such a partnership is not practical, a policing agency may partner with a nonprofit community group. A collaboration agreement outlining the conditions and benefits each participant will contribute to the project must be included in the application.

Law enforcement agencies (primary applicants) may submit only one application. Schools or community-based entities (secondary applicants) that apply as partners are expected to include student representatives in the project.

An award under the School-Based Partnership grant program will not affect the eligibility of an agency to receive awards under any other COPS program.

The Catalog of Federal Domestic Assistance (CFDA) reference for this program is 16.710.

Dated: April 14, 1998.

Joseph E. Brann,

Director.

[FR Doc. 98–10428 Filed 4–20–98; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree in United States v. Northwest Development Company Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a Consent Decree in *United States* v. *Northwest Development Company,* No. 98–416HU (D. Ore.), has been entered into by the United States on behalf of U.S. EPA; Oregon on behalf of the Department of Environmental Quality; Northwest Development Company, an Oregon general partnership comprised of Mark Lanoue and Wallace Earl Downs, Sr.; Mark Lanoue and Christine Rollins Lanoue, as trustees for the Mark Lanoue Trust; and Wallace Earl Downs, Sr., and Deborah Phillips Downs, as trustees for the Wallace Earl Downs, Sr. Living Trust, and was lodged with the United States District Court for the District of Oregon on April 2, 1998. The proposed

Consent Decree resolves certain claims of the United States and Oregon against the settling parties relating to the Northwest Pipe & Casing Site in Clackamas County, Oregon. Under the Decree, the settling parties will, *inter alia,* pay the United States $200,000 plus interest.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Northwest Development Company*, D.J. Ref. No. 90–11–3–1557C. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Oregon, 888 S.W. 5th Ave., Suite 1000, Portland, OR 97204–2024; the Region 10 Office of the United States Environmental Protection Agency, 1200 Sixth Ave., Seattle, WA 98101; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (202–624–0892). A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy of the proposed Consent Decree, please enclose a check in the amount of $6.25 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–10429 Filed 4–20–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that on March 31, 1998, a proposed Consent Decree was lodged with the United States District Court for the District of Alaska in *United States* v. *Union Oil Co.,* A97–397 CIV (JWS) (D. Alaska). The proposed Consent Decree settles claims asserted by the United States at the request of the United States Environmental Protection Agency (''EPA'') in a complaint filed on October 7, 1997. The United States filed its complaint pursuant to Section 113 of the Clean Air Act (''CAA'' or ''Act''), 42 U.S.C. 7413(b). The complaint requested the assessment of civil penalties and injunctive relief against defendant Union Oil Company of California d.b.a. Unocal (''Unocal'') for the following: (1) Violations of the CAA's prevention of significant deterioration (''PSD'') program as set forth in Part C of Title I, 42 U.S.C. 7471 *et seq.*, and in the regulations promulgated thereunder, 40 CFR 52.21; and (2) violations of conditions contained in state permit conditions issued under the federally enforceable Alaska State Implementation Plan. The United States alleges that the violations occurred in connection with the modification and operation of equipment at Unocal's ammonia and urea processing facility in Kenai, Alaska.

Under the proposed Consent Decree, Unocal will pay to the United States a $550,000 civil penalty. In addition, Unocal will spend more than $6.6 million to install a Supplemental Environmental Project ammonia flare and scrubber system. Unocal also will monitor the combustion efficiency of its equipment and will perform specified injunctive relief to comply with the Clean Air Act and the Alaska State Implementation Plan.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Union Oil Co.,* DOJ #90–5–2–1–2079. The proposed Consent Decree may be examined at the Region 10 Office of EPA, 7th Floor Records Center, 1200 Sixth Avenue, Seattle, WA 98101. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (202) 624–0892. In requesting copies, please enclose a check in the amount of $9.50 (25 cents per page) payable to the ''Consent Decree Library.''

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–10431 Filed 4–20–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

National Institute of Justice

[OJP (NIJ)–1171]

RIN 1121–ZB09

National Institute of Justice Request for Proposals for Comparative, Cross-National Crime Research Challenge Grants

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of solicitation.

SUMMARY: Announcement of the availability of the National Institute of Justice ''NIJ Request for Proposals for Comparative, Cross-National Crime Research Challenge Grants.''

DATES: Due date for receipt of proposals is close of business September 1, 1998.

ADDRESSES: National Institute of Justice, 810 Seventh Street, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: For a copy of the solicitation, please call NCJRS 1–800–851–3420. For general information about application procedures for solicitations, please call the U.S. Department of Justice Response Center 1–800–421–6770.

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1994).

Background

In its effort to support and encourage cross-national and interagency partnerships devoted to producing and utilizing comparative research on crime, the National Institute of Justice is soliciting proposals for research on crime and criminal behavior of a cross-national and comparative nature. NIJ intends to support up to five research challenge grants to U.S. based researchers to conduct the U.S. part of a comparative study, for a total of up to $500,000. Each project supported by NIJ must have counterparts to conduct parallel research outside of the United States. These counterparts may be supported by the government agencies or departments, private non-profit organizations, or universities of other nations. In this way, it is anticipated that the first projects will initiate a new series of cross-national research partnerships.

Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of ''NIJ Request for

Proposals for Comparative, Cross-National Crime Research Challenge Grants'' (refer to document No. SL000277). For World Wide Web access, connect either to NIJ at http://www.ojp.usdoj.gov/nij/funding.htm, or the NCJRS Justice Information Center at http://www.ncjrs.org/fedgrant.htm#nij.

David Boyd,

Deputy Director, Acting for Jeremy Travis, Director, National Institute of Justice.

[FR Doc. 98–10525 Filed 4–20–98; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

National Institute of Justice

[OJP (NIJ)–1172]

RIN 1121–ZB10

National Institute of Justice Announcement of the Availability of the Solicitation for Data Resources Program Funding for the Analysis of Existing Data

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of solicitation.

SUMMARY: Announcement of the availability of the National Institute of Justice solicitation ''Data Resources Program Funding for the Analysis of Existing Data.''

DATES: Due dates for receipt of proposals is close of business August 15, 1998; and December 15, 1998.

ADDRESSES: National Institute of Justice, 810 Seventh Street, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: For a copy of the solicitation, please call NCJRS 1–800–851–3420. For general information about application procedures for solicitations, please call the U.S. Department of Justice Response Center 1–800–421–6770.

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, sections 201–03, as amended, 42 U.S.C. 3721–23 (1994).

Background

The National Institute of Justice (NIJ) is seeking applicants to conduct original research using data from the National Archive of Criminal Justice Data, especially data from previously funded NIJ projects. Awards of up to $35,000 will be made to support research to be conducted within a nine-month period.

Of particular interest are studies that will replicate findings from previously supported NIJ research, use archived data sets containing similar information collected at different times or from different sites, apply alternative or emerging statistical techniques and methodologies to archived data sets that extend the understanding of criminal justice processes and criminal behavior, and conduct research on archived data sets that explores the development of applications of direct benefit to practitioners.

Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of ''Data Resources Program Funding for the Analysis of Existing Data'' (refer to document no. SL000278). For World Wide Web access, connect either to either NIJ at http://www.ojp.usdoj.gov/nij/funding.htm, or the NCJRS Justice Information Center at http://www.ncjrs.org/fedgrant.htm#nij.

David Boyd,

Deputy Director, Acting for Jeremy Travis, Director, National Institute of Justice.

[FR Doc. 98–10524 Filed 4–20–98; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

National Institute of Justice

[OJP (NIJ)–1169]

RIN 1121–ZB07

National Institute of Justice Announcement of the Availability of the Solicitation for Research and Evaluation on Sentencing and Corrections

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of solicitation.

SUMMARY: Announcement of the availability of the National Institute of Justice ''Solicitation for Research and Evaluation on Sentencing and Corrections.''

DATES: Due date for receipt of proposals is close of business June 29, 1998.

ADDRESSES: National Institute of Justice, 810 Seventh Street, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: For a copy of the solicitation, please call NCJRS 1–800–851–3420. For general information about application procedures for solicitations, please call the U.S. Department of Justice Response Center 1–800–421–6770.

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1994).

Background

This request for proposals announces a third year of support for research and evaluation that will further understanding about correctional policies and programs, sentencing, and impacts related to sentencing legislation. Support for this research and evaluation program is provided under the Violent Offender Incarceration and Truth-in-Sentencing Acts (Title II, Subtitle A) of the Violent Crime Control and Law Enforcement Act of 1994, as amended. The request responds to Congressional and public demand for a knowledge base that examines correctional policy, accountability in sentencing and recommendations for improvements. This third year of funding will support up to $4,500,000 in projects that will complement the previously funded national evaluation of the primary sentencing initiatives in the Act. Applications are sought for impact studies, practitioner-researcher partnerships, and topical research projects that will contribute to the understanding of the impact and effectiveness of State, local and tribal correctional issues and sentencing initiatives that are generalizable to other jurisdictions.

Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of ''Solicitation for Research and Evaluation on Corrections and Sentencing (1998)'' (refer to document no. SL000276). For World Wide Web access, connect either to either NIJ at http://www.ojp.usdoj.gov/nij/funding.htm, or the NCJRS Justice Information Center at http://www.ncjrs.org/fedgrant.htm#nij.

David Boyd,

Deputy Director, Acting for Jeremy Travis, Director, National Institute of Justice.

[FR Doc. 98–10523 Filed 4–20–98; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of March and April, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–34,145; Bassett Motion Furniture, Booneville, MS;

TA–W–34,205; Bucilla Corp., Hazleton, PA

TA–W–34,307; Wulfrath Refractories, Inc., Tarentum, PA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–34,292; Fashion Development Center, Inc., El Paso, TX

TA–W–34,290; Western Mobile Corp., Boulder, CO

TA–W–34,338; PK Electronics, Scottsdale, AZ

TA–W–34,212; Interim Personnel of Buffalo, Employed at Advanced Organics, Buffalo, NY

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–34,287; Foster Electric America, a Div. of Foster Electric (USA), Inc., Schaumburg, IL

TA–W–34,332; NGK Metals Corp., Temple, PA

TA–W–34,260; Northland, A Scott Fetzer Co., Watertown, NY

TA–W–34,175; Great Connections, A Div. of Trendlines Home Div., Inc., Litiz, PA

TA–W–34,249 & A; Niagara Mohawk Power Corp., Syracuse, NY and Various Locations Throughout New York

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–34,282; Graphic Nesting-Layout Employees, Delphi Interior and Lighting Systems, Warren, MI

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–33,913; Bates of Maine, Lewiston, ME: October 6, 1996.

TA–W–33,300; McDonnell Douglas Corp., Douglas Aircraft Co (DAC), Long Beach, CA: March 23, 1997.

TA–W–33,971 & A; Buster Brown Apparel, Inc., Hosiery Div., Chattanooga, TN and N. Wilkesboro, NC: October 3, 1996.

TA–W–34,336; Nobel Biocare Manufacturing, Inc., Oglesly, IL: March 3, 1997.

TA–W–34,255; Leshner Corp., Phenix City, AL: February 13, 1997.

TA–W–34,216; JoLene Co., Inc., Provo, UT: January 19, 1997.

TA–W–34,172; Lone Pine Forest Products, Bend, OR: December 29, 1996.

TA–W–34,157; EBO Cedar Products, Mark EBY Cedar Products, Bonners Ferry, ID: January 5, 1997.

TA–W–34,349; Lee Apparel Service, Inc., Boaz, AL: March 5, 1997.

TA–W–34,321; Jean Hosiery Mill, Inc., Villa Rica, GA: March 2, 1997.

TA–W–33,355; American Components, Inc., Dandridge, TN: March 12, 1997.

TA–W–34,288 & A; Valerie Sportswear, New York, NY & Brentwood, Long Island, NY: February 13, 1997.

TA–W–34,238; Murata Electronics North America, Rockmart, GA: February 3, 1997.

TA–W–34,213; U.S. Kinds Apparel Group, Canton, GA: January 14, 1997.

TA–W–34,322; Treboro Electric Co., L.P., Formerly Known as Triboro Electric Corp., Doylestown, PA: March 2, 1997.

TA–W–34,368; Lyle Wood Products, Tacoma, WA: March 17, 1997.

TA–W–34,279; Harman Automotive, Harvard Industries, Bolivar, TN: February 5, 1997.

TA–W–34,252; Roper and Broderick, d/b/a The Conair Group, Inc., Agawan, MA: February 13, 1997.

TA–W–34,195; Cascade Pine Specialties, Inc., a/k/a Morrison Enterprises, Redmond, OR: January 2, 1997.

TA–W–34,299, A & B; Capstar Corp., Statesville, NC, Marion, SC and Lane, SC: February 19, 1997.

TA–W–34,339; AR Accessories, West Bend, WI: March 3, 1997.

TA–W–34,327; G and W Manufacturing, Inc., Paducah, KY: March 3, 1997.

TA–W–34,226; New West, Cookeville, TN: January 28, 1997.

TA–W–34,162; Thomas & Betts, LRC Electronics, Horseheads, NY: January 9, 1997.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the months of March and April, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof (including workers in any agricultural firm or appropriate subdivision thereof), have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly

competitive with articles produced by such firm or subdivision have increased, and that the increased imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–02226; Wulfrath Refractories, Inc., Tarentum, PA
NAFTA–TAA–02195; Cascade Pine Specialties, Inc., a/k/a Morrison Enterprises, Redmond, OR
NAFTA–TAA–02065; Dekalk Genetics Corp., Homestead, FL
NAFTA–TAA–02186 & A; Niagara Mohawk Power Corp., Syracuse, NY and Various Other Locations Throughout The State of New York
NAFTA–TAA–02197; Tenneco Packaging, Clayton, NJ
NAFTA–TAA–02130; Great Connections, A div. of Trendlines Home Fashions, Inc., Litiz, PA
NAFTA–TAA–02085; Delbar Products, Inc., Perkasie, PA
NAFTA–TAA–02135; Color Box, Inc., Buffalo, NY
NAFTA–TAA–02243; Foster Electric America, A Div of Foster Electrics (USA), Inc., Schaumburg, IL
NAFTA–TAA–02219; Copes-Vulcan, Inc., Sootblowers Div., Lake City, PA
NAFTA–TAA–02216; Munekata America, Inc., Dalton, GA
NAFTA–TAA–02218; Doehler-Jarvis, Div. of Harvard Industries, Toledo, OH
NAFTA–TAA–02222; Hafer Logging Co., Inc., LaGrande, OR
NAFTA–TAA214; Harris Enterprises, Inc., Marshfield, MO
NAFTA–TAA–02201; Johns Manville Corp., Roofing and Thermal-12 Divisions, Waukegan, IL
NAFTA–TAA–02180; Eagle Veneer, Inc., Harrisburg Plywood Div., Harrisburg, OR

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–02165; Interim Personnel of Buffalo, Employed at Advanced Organics, Buffalo, NY
NAFTA–TAA–02229; Fashion Development Center, Inc., El Paso, TX
NAFTA–TAA–02261; PK Electronics, Scottsdale, AZ
NAFTA–TAA–02236; Weyerhaeuser Co., Coos Bay Dock Services Div., North Bend, OR

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–02212; Thomas & Betts, LRC Electronics Div., Horseheads, NY: February 23, 1997.
NAFTA–TAA–02249; Triboro Electric Co., L.P. Formerly Known as Triboro Electric Corp., Doylestown, PA: March 2, 1997.
NAFTA–TAA–02205; Harman Automotive, Harvard Industries, Bolivar, TN: February 5, 1997.
NAFTA–TAA–02125 & NAFTA–TAA–02126; EBO Cedar Products, Bonners Ferry, ID: January 7, 1997.
NAFTA–TAA–02237; Jean Hosiery Mill, Inc., Villa Rica, GA: March 2, 1997.
NAFTA–TAA–02217; Casolco USA, Inc., Cutting Department, El Paso, TX: February 16, 1997.
NAFTA–TAA–02119; Paul-Bruce/L.V. Myles, Scotland Neck, NC: January 8, 1997.
NAFTA–TAA–02149; Lone Pine Forest Products, Bend, OR: January 2, 1997.
NAFTA–TAA–02179; U.S. Kinds Apparel Group, Canton, GA: February 3, 1997.
NAFTA–TAA–02187; Kwikset Corp. and Remedy Intelligant Staffing Anaheim, CA: January 26, 1997.
NAFTA–TAA–02259; Stanley Blacker, Inc., Vidalia, GA: March 11, 1997.
NAFTA–TAA–02278; Superior Pants Co., Men's Apparel Group, Athens, GA: March 23, 1997.
NAFTA–TAA–02257; Jantzen, Inc., A Company Div. of Vanity Fair Corp., Vancouver, WA: March 12, 1997.
NAFTA–TAA–02269; Avent, Inc., Including Temporary and Contract Employees from Interim Personnel, Olsten Tempories and H.L. Yoh, Tucson, AZ: March 17, 1997.
NAFTA–TAA–02172; Unimark Foods, Inc., Flavor Fresh Div., Lawrence, MA: January 26, 1997.
NAFTA–TAA–02144; Powers Holdings, Inc., Milwaukee, WI: January 15, 1997.
NAFTA–TAA–02221; Jandy Apparel, Hellam, PA: February 11, 1997.

I hereby certify that the aforementioned determinations were issued during the months of March and April 1998. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 13, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10537 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,085 and NAFTA–02071]

Weyerhaeuser Company Coos Bay Export Sawmill North Bend, Oregon; Notice of Negative Determination Regarding Application for Reconsideration

By application of February 27, 1998, the I.A.M. Woodworkers Local W–261, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) and NAFTA-Transitional Adjustment Assistance (NAFTA–TAA), applicable to workers and former workers of the subject firm. The denial notices applicable to workers of the subject firm located in North Bend, Oregon, were signed on February 17, 1998. The TAA and NAFTA–TAA decisions were published in the **Federal Register** on March 16, 1998 (63 FR 12830) and (63 FR 12838), respectively.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The denial of TAA for workers of Weyerhaeuser's Coos Bay Export Sawmill in North Bend, Oregon was based on the finding that the ''contributed importantly'' criterion of the group eligibility requirements of Section 222 of the Trade Act of 1974 was not met. The subject facility

produced primarily for the export market. Layoffs were the result of a loss in export sales by the subject firm. Furthermore, a survey of major declining domestic customers of the subject firm revealed that they did not increase import purchases of Douglas Fir planks while decreasing purchases from the subject firm.

The Department's denial of NAFTA–TAA for the same worker group was based on the finding that criteria (3) and (4) of the group eligibility requirements of paragraph (a)(1) of Section 250 of the Trade Act of 1974, as amended, were not met. There was no shift in production of lumber, primarily post and beams, from the subject firm to Mexico or Canada, nor were there company or customer imports of like or directly competitive products from Mexico or Canada.

The I.A.M. Woodworkers Local W–261 asserts that when the Coos Bay Export Sawmill experienced a sharp decline in sales to Japan, the company's focus was to increase domestic sales. For a while production levels became competitive, but the subject firm experienced high log costs and could not remain competitive. In order to determine worker group eligibility, the Department must examine the impact of imports of products like or directly competitive with those articles produced at the North Bend mill. Pricing and/or the cost of raw material is not a criterion for worker certification.

The I.A.M. Woodworkers Local W–261 also questioned the time period used for the survey of customers of the Coos Bay Export Sawmill and suggest that the time period include late 1996 and full year 1997. The survey covered the 1997 time period in which plank was produced by Coos Bay Export Sawmill for domestic sale.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, D.C. this 3rd day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10529 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,989]

Allegheny Ludlum Corporation Leechburg, PA; Notice of Negative Determination on Reconsideration

On February 23, 1998, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The petitioner presented new evidence regarding declines in employment at the subject firm. The notice was published in the **Federal Register** on March 16, 1998 (63 FR 12829).

The Department initially denied TAA to workers of Allegheny Ludlum Steel, Leechburg, Pennsylvania because the criterion (2) of the group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met. Sales and production at the subject firm did not decline. Employment remained unchanged since the September 8, 1997 expiration of the previous TAA certification (TA–W–31,231) for workers at the Leechburg plant.

On reconsideration, the Department requested that Allegheny Ludlum Steel provide data for January through September 1996, and full year 1997. Information provided by the company shows that employment at the Leechburg plant declined from 1996 to 1997. Production levels increased in January through September 1997 compared to the same time period of 1996, and increased in 1997 compared to 1996.

Statistics for electrical steel sheet and strip show that U.S. imports increased absolutely from 1996 to 1997, but the ratio of U.S. imports to U.S. shipments declined from 23.6 percent in 1996 to 21.8 percent in 1997.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Allegheny Ludlum Steel, Leechburg, Pennsylvania.

Signed at Washington, D.C., this 3rd day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10530 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,289]

CDR Ridgway, Ridgway, Pennsylvania; Notice of Revised Determination on Reconsideration

The Department, on its own motion, has reconsidered its negative determination in *United Steelworkers of America, AFL–CIO–CLC, and United Steelworkers of America, Local 13694* v. *Alexis Herman,* No. 97–09–01601, U.S. Court of International Trade. As a result of this reconsideration, the Department is now certifying the workers of CDR Ridgway in Ridgway, Pennsylvania as eligible to apply for trade adjustment assistance under Section 223 of the Trade Act.

The April 28, 1997, denial of TAA for workers of the subject firm was based on the finding that criterion (2) of the group eligibility requirements of Section 222 of the Trade Act was not met. Company-wide sales of pigments increased in 1996 compared to 1995. Layoffs were attributable to the parent company's decision to transfer the Ridgway pigment production to three other domestic locations.

New investigation findings show that although corporate-wide sales of pigments increased from 1995 to 1996, sales, production and employment at the Ridgway plant declined to zero when the plant closed in the first quarter of 1997. Accordingly, criteria (1) and (2) of Section 222 of the Trade Act are met.

On reconsideration, the Department conducted a survey of Ridgway's major declining customers. Survey results show that in 1996 compared to 1995, customers increased reliance on imports of pigments while decreasing purchases from CDR Ridgway, Ridgway, Pennsylvania.

Conclusion

After careful review of the additional facts obtained on remand, it is concluded that increased imports of articles like or directly competitive with pigments produced at CDR Ridgway, Ridgway, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers at subject firm. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

''All workers of CDR Ridgway, Ridgway, Pennsylvania, who became totally or partially separated from employment on or after February 19, 1996 through two years

from the date of certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed in Washington, D.C. this 30th day of March, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10540 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Acting Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 1, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 1, 1998.

The petitions filed in this case are available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, DC, this 30th day of March 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX—PETITIONS INSTITUTED ON 03/30/98

TA–W	Subject Firm (Petitioners)	Location	Date of Petition	Product(s)
34,365	Smith of Galeton Gloves (Wkrs)	Galeton, PA	03/19/98	Leather Gloves and Mittens.
34,366	Tuscarora, Inc. (Wkrs)	Martinsville, IN	03/11/98	Polystyrene Foam Packaging.
34,367	Stevcoknit Fabrics (Co.)	Greer, SC	03/17/98	Cotton and Polycotton Yarn.
34,368	Lyle Wood Products (UBC)	Tacoma, WA	03/17/98	Staircase Parts.
34,369	Kimball International (Co.)	Tustin, CA	03/13/98	Television Cabinets.
34,370	Vishay Sprague, Inc (Co.)	Sanford, ME	03/18/98	Surface Mounted Capacitors.
34,371	Banta Merchandising Prod. (GCIU)	Milwaukee, WI	03/17/98	Point of Purchase Advertising Signs.
34,372	CCL Industries (USWA)	Chester, PA	03/19/98	2″ Collapsible Tubes.
34,373	Key Tronic Corp. (Co.)	Spokane, WA	03/20/98	Computer Keyboards.
34,374	Monet Group (The) (Co.)	Pawtucket, RI	03/18/98	Costume Jewelry.
34,375	PacifiCorp (UWUA)	Casper, WY	03/17/98	Electricity.
34,376	Deena, Inc (Co.)	Tolleson, AZ	03/19/98	Men's and Womens' Underwear.
34,377	Smoaks Manufacturing Co (Co.)	Smoaks, SC	03/17/98	Ladies' and Children's Knit Tops.
34,378	Newell Co, Acme Frame (Wkrs)	Mundelein, IL	03/05/98	Picture Frames.
34,379	Kezar Falls Woolen (Wkrs)	Parsonsfield, ME	03/13/98	Woolen Cloth.
34,380	Avent Manufacturing (Wkrs)	Tucson, AZ	03/16/98	Surgical Gown Covers.
34,381	Cannon Co Knitting Mills (Wkrs)	Smithville, TN	03/13/98	Polo Shirts.
34,382	Decors (Wkrs)	Montgomery City, MO	03/12/98	Glass Cosmetic Bottles.
34,383	Philips Consumer (Wkrs)	Eatontown, NJ	03/12/98	Telephones and Answering Machines.
34,384	Wrangler (Wkrs)	Arab, AL	03/10/98	Jeans.
34,385	Delphi Interior & Light (UAW)	Brea, CA	03/17/98	Automotive Lighting.
34,386	E.I. Dupont DeNemours (Co.)	Martinsville, VA	03/10/98	Nylon Yarn.
34,387	Bowcraft Trimming Co (Co.)	Newark, NJ	02/27/98	Metal Buckles & Ornaments.
34,388	Georgia Pacific Corp. (UPWI)	Woodland, ME	01/28/98	Wood Construction Panels.
34,389	BHP, Pinto Valley Div. (IBEW)	Globe, AZ	03/17/98	Copper.
34,390	Don Mart Clothes, Inc. (Co.)	Philipsburg, PA	03/19/98	Men's Clothing.
34,391	Forstmann and Company (Co.)	Dublin, GA	03/16/98	Worsted and Woolen Broad Cloth.
34,392	Voyager Emblem Co (USWA)	Sanborn, NY	03/09/98	Emblems.
34,393	Nortys (Wkrs)	Kutztown, PA	03/20/98	Ladies' Clothing.
34,394	Action West (Wkrs)	El Paso, TX	03/16/98	Ladies', Men's & Children's Sportswear.
34,395	Chic by H.I.S. (Co.)	Monticello, KY	03/17/98	Ladies' & Girls' Denim Jeans.
34,396	Reliance Electric Co. (Wkrs)	Athens, GA	03/10/98	PC Boards.
34,397	Carpenter Technology (Co.)	Orangeburg, SC	03/19/98	Stainless Steel Wire.

[FR Doc. 98–10538 Filed 4–20–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,132]

Snap-Tite, Incorporated, Quick Disconnect Division, Union City, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Acting Director of the Office of Trade Adjustment Assistance for workers at Snap-Tite, Incorporated, Quick Disconnect Division, Union City, Pennsylvania. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–33,132; Snap-Tite, Incorporated, Quick Disconnect Division, Union City, Pennsylvania (April 1, 1998)

Signed at Washington, D.C. this 1st day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10535 Filed 4–20–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,023; TA–W–34,023B]

Spencer's Incorporated Plant, #3, Hillsville, VA, Plant #1 and Plant #4, Mount Airy, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 21, 1997, applicable to all workers of Spencer's Incorporated, Plant 3, Hillsville, Virginia. The notice was published in the **Federal Register** on January 22, 1998 (63 FR 3351).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at Spencer's Inc., Plant #1 and Plant #4, both located in Mount Airy, North Carolina. The workers are engaged in employment related to the production of infants' and children's wear.

The intent of the Department's certification is to include all workers of Spencer's Incorporated adversely affected by increased imports of infants' and children's wear. Accordingly, the Department is amending the certification to cover the workers of Spencer's Incorporated, Plant #1 and Plant #4, Mount Airy, North Carolina.

The amended notice applicable to TA–W–34,023 is hereby issued as follows:

All workers of Spencer's Incorporated, Plant #3, Hillsville, Virginia (TA–W–34,023) and Plant #1 and Plant #4, Mount Airy, North Carolina (TA–W–34,023B) engaged in employment related to the production of infants' and children's wear who became totally or partially separated from employment on or after November 7, 1996 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10534 Filed 4–20–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,116 and TA–W–34–116A]

Tonkawa Gas Processing Woodward, Oklahoma, and Delhi Gas Pipeline Corporation Dallas, Texas; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Acting Director of the Office of Trade Adjustment Assistance for workers at Tonkawa Gas Processing, Woodward, Oklahoma and Delhi Gas Pipeline Corporation, Dallas, Texas. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–34,116 & A; Tonkawa Gas Processing, Woodward, Oklahoma and Delhi Gas Pipeline Corporation, Dallas, Texas (April 7, 1998)

Signed at Washington, D.C. this 7th day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10541 Filed 4–20–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–02145]

Coast Converters Inc., Los Angeles, CA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on January 20, 1998, in response to a petition submitted on that date and filed on behalf of workers of Coast Converters Inc., located in Los Angeles, California.

The petitioner requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 8th day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10539 Filed 4–20–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–02030; NAFTA–02030B]

Crown Pacific, Gilchrist, OR, Crescent Creek Logging, Gilchrist, OR; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on February 10, 1998, applicable to all workers of Crown Pacific, Gilchrist, Oregon. The notice was published in the **Federal Register** on March 16, 1998 (63 FR 12832).

At the request of a State agency, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations occurred at Crescent Creek Logging, Gilchrist, Oregon when it closed February 26, 1998. The workers provided logging services to support the

production of lumber at Crown Pacific. Accordingly, the Department is amending the certification to cover workers at Crescent Creek Logging, Gilchrist, Oregon.

The intent of the Department's certification is to include all workers of Crown Pacific adversely affected by increased imports from Mexico and Canada.

The amended notice applicable to NAFTA–02030 is hereby issued as follows:

All workers of Crown Pacific, Gilchrist, Oregon (NAFTA–02030) and Crescent Creek Logging, Gilchrist, Oregon (NAFTA–02030B) who became totally or partially separated from employment on or after November 18, 1996 through February 10, 2000 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of April 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10533 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–002287]

Heritage Hills, Tustin, CA; Notice of Termination of Investigation

Pursuant to Section 250 of the Trade Act of 1974, an investigation was initiated on March 30, 1998 in response to a worker petition which was filed on March 13, 1998 on behalf of workers at Heritage Hills, Tustin, California. The subject firm is a division of Kimball International.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 8th day of April 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10532 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–2089, 2089A, 2089B]

Newell Company, Acme Frame—a/k/a Intercraft, Harrisburg, Arkansas; Mundelein, Illinois, Waukegan, Illinois; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on February 17, 1998, applicable to all workers of Newell Company, Acme Frame—a/k/a Intercraft, Harrisburg, Arkansas. The notice was published in the **Federal Register** on March 16, 1998 (63 FR 12838).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information provided by the company shows that worker separations will occur at the subject firms' Mundelein and Waukegan, Illinois locations when they close on March 31 and April 30, 1998, respectively. Workers at the Mundelein, Illinois location are engaged in the production of picture frames. Workers at the Waukegan, Illinois location provide distribution services for the production facilities of Newell Company, Acme Frame—a/k/a Intercraft.

Accordingly, the Department is amending the certification to cover workers at the subject firms' Mundelein and Waukegan, Illinois locations.

The intent of the Department's certification is to include all workers of Newell Company, Acme Frame—a/k/a Intercraft adversely affected by imports from Mexico and Canada.

The amended notice applicable to NAFTA–2089 is hereby issued as follows:

All workers of Newell Company, Acme Frame Division, a/k/a Intercraft, Harrisburg, Arkansas (NAFTA–2089), Mundelein, Illinois (NAFTA–2089A) and Waukegan, Illinois (NAFTA–2089B) who became totally or partially separated from employment on or after December 18, 1996 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, D.C., this 2nd day of April 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10531 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–02174]

Rae Ann, Bodega Bay, CA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on February 2, 1998, in response to a petition submitted on that date and filed on behalf of workers of the fishing vessel Rae Ann, Bodega Bay, California.

The petitioner requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 2nd day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–10536 Filed 4–20–98; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98–055]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Life and Biomedical Sciences and Applications Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Life and Biomedical Sciences and Applications Advisory Subcommittee.

DATES: Wednesday, May 6, 1998, 8:30 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW, MIC–5A, Room 5H46, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Frank M. Sulzman, Code UL, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0220.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Action Status
—Update: Office of Life & Microgravity Sciences and Applications, Life Sciences Division
—Human Subjects
—EVA Research Plans
—Changes in Shuttle/Station Manifest
—Biology Pillars
—Peer Review Update
—Performance Goals
—Discussion of Committee Findings and Recommendations
—Subcommittee Report Review

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 14, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–10495 Filed 4–20–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98–056]

NASA Advisory Council (NAC), Technology and Commercialization Advisory Committee (TCAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Technology and Commercialization Advisory Committee.

DATES: Wednesday, May 20, 1998, 8:30 a.m. to 5 p.m. and Thursday, May 21, 1998, 8 a.m. to 1 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room MIC–7, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory M. Reck, Code AF, National Aeronautics and Space Administration, Washington, DC 20546 (202/358–4700).

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Report from liaison members with other advisory committees on activities related to technology
—Review of NASA space commercialization activities
—Discussion of charter for review of the Human Exploration and Development Enterprise technology program

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 14, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–10496 Filed 4–20–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL CAPITAL PLANNING COMMISSION

Prince Georges County, Md; Mixed-Use Waterfront Destination Resort; Meeting

AGENCY: National Capital Planning Commission.

ACTION: Proposed Construction of Mixed-Use Waterfront Destination Resort In Prince Georges County, Maryland; Public Meeting and Intent to Prepare an Environmental Impact Statement: Correction FR: 9529 appearing at page 17899 in the **Federal Register** on April 10, 1998: In the 3rd column, **SUPPLEMENTARY INFORMATION** on Page 17899 ''Monday May 12, 1998 is corrected to read Tuesday, May 12, 1998.''

Sandra H. Shapiro,

General Counsel, National Capital Planning Commission.

[FR Doc. 98–10554 Filed 4–20–98; 8:45 am]

BILLING CODE 7502–02–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–269, 50–270, and 50–287]

Duke Energy Corporation, Oconee Nuclear Station, Units 1, 2, and 3; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of the Duke Energy Corporation (the licensee) to withdraw its February 10, 1997, application for proposed amendments to Facility Operating License Nos. DPR–38, DPR–47, and DPR–55 for the Oconee Nuclear Station, Units 1, 2, and 3, respectively, located in Seneca County, South Carolina.

The proposed amendments would have revised the Technical Specifications to reduce the allowable reactor building volume leakage rate per-day limit to permit relaxation of certain requirements for operability of the power-operated relief valves. The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on March 12, 1997 (62 FR 11493). However, by letter dated April 6, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated February 10, 1997, as supplemented February 4, 1998, and the licensee's letter dated April 6, 1998, which withdrew the application for license amendments. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina.

Dated at Rockville, Maryland, this 15th day of April 1998.

For the Nuclear Regulatory Commission.

David E. LaBarge,

Senior Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–10543 Filed 4–20–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397]

Washington Public Power Supply System; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–21, issued to Washington Public Power Supply System, (the licensee), for operation of the Nuclear Project No. 2 (WNP–2) located in Benton County, Washington.

The proposed amendment would revise the maximum yield strength for

emergency core cooling system suction strainer materials listed in the WNP–2 Final Safety Analysis Report (FSAR). The licensee identified this change as an unreviewed safety question and accordingly, the NRC staff is reviewing this FSAR change.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 21, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Perry D. Robinson, Esq., Winston & Strawn, 1400 L Street NW, Washington, DC 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 16, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 17th day of April 1998.

For the Nuclear Regulatory Commission.

Chester Poslusny,

Senior Project Manager, Project Directorate IV–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–10665 Filed 4–20–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Consumers Power Company, Palisades Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–20, issued to Consumers Energy Company, (the licensee), for operation of the Palisades Plant located in Van Buren County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment would revise the limitations on concentrations of radioactive material released in liquid effluents and reflects the relocation of the prior 10 CFR 20.106 requirements to the revised 10 CFR 20.1302.

The proposed action is in accordance with the licensee's application for

amendment dated December 11, 1995, as supplemented January 18, September 3, October 2, October 18, and October 25, 1996, and March 28, 1997.

The Need for the Proposed Action

The proposed action is needed to update the Technical Specifications (TS) to incorporate the revised requirements of 10 CFR part 20 (i.e., the need for the proposed action was created by a change in the regulatory requirements).

Environmental Impacts of the Proposed Action

The proposed revision, in regard to the actual release rates as referenced in the TS as a limitation on the concentration of radioactive material released in liquid effluents, will not increase the types or amounts of effluents that may be released offsite, nor increase individual or cumulative occupational radiation exposures. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed amendment.

With regard to potential nonradiological impacts, the proposed changes do not affect nonradiological effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Palisades dated June 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on February 12, 1998, the NRC staff consulted with the Michigan State official, Dennis Hahn, of the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letters dated December 11, 1995, January 18, September 3, October 2, October 18, and October 25, 1996, and March 28, 1997, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 15th day of April 1998.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–10544 Filed 4–20–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of April 20, 27, May 4, and 11, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 20

There are no meetings the week of April 20.

Week of April 27—Tentative

Wednesday, April 29

11:30 a.m.—Affirmation Session (Public Meeting)—a: Final Rule: Requirements for Shipping Packages Used to Transport Vitrified High-Level Waste.

Thursday, April 30

9:00 a.m.—Briefing on Investigative Matters (Closed—Ex. 5 and 7).

2:00 p.m.—Discussion of Management Issues (Closed—Ex. 2 and 6).

Friday, May 1

8:30 a.m.—* Briefing on Selected Issues Related to Proposed Restart of Millstone Unit 3. (Public Meeting) (Contact: Bill Travers, 301–415–1200)

1:00 p.m.—(Continuation of Millstone meeting.)

Week of May 4—Tentative

There are no meetings the week of May 4.

***Note:** Follow-on meeting to discuss the remaining issues related to Millstone Unit 3 restart will be held at a later date.

Week of May 11—Tentative

Wednesday, May 13

10:30 a.m.—Affirmation Session (Public Meeting) (if needed).

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

Additional Information: By vote of 4–0 on April 16, the Commission determined pursuant to U.S.C. 552b(c)(1) and 10 CFR Sec. 9.104(a)(1) of the Commission's rules that ''Affirmation of HYDRO RESOURCES, INC. DOCKET NO. 40–8968–ML, MEMORANDUM AND ORDER (Denying Motion for Stay and Request for Prior Hearing, Lifting Temporary Stay, Denying Motion for Strike and for Leave to Reply), LBP–98–5'' be held on April 16, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at:

http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

* * * * *

Dated: April 17, 1998.

William M. Hill, Jr.,

Secy, Tracking Officer, Office of the Secretary.

[FR Doc. 98–10745 Filed 4–17–98; 3:12 pm]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Audit Legal Letter Guidance

AGENCY: Office of Management and Budget.

ACTION: Notice of document availability.

SUMMARY: This Notice indicates the availability of the first Financial Accounting and Auditing Technical Release, ''Audit Legal Letter Guidance.'' The technical release was prepared by the Accounting and Auditing Policy Committee of the Federal Accounting Standards Advisory Board (FASAB) and cleared by the FASAB on March 1, 1998. This Notice is available on OMB's home page at http://www.whitehouse.gov/WH/EOP/omb, under the caption ''**Federal Register** Submissions.''

ADDRESSES: Copies of Technical Release No. 1 may be obtained for $1.00 each from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–512–1800), Stock No. 041–001–00503–0.

FOR FURTHER INFORMATION CONTACT: James Short (telephone: 202–395–3124), Office of Federal Financial Management, Office of Management and Budget, 725 17th Street, N.W., Room 6025, Washington, DC 20503.

G. Edward DeSeve,

Controller.

[FR Doc. 98–10427 Filed 4–20–98; 8:45 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–7159]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Florida Rock Industries, Inc., Common Stock, $.10 Par Value)

April 14, 1998.

Florida Rock Industries, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'' or ''Exchange'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Security has been listed for trading on the Exchange and, pursuant to a Registration Statement on Form 8–A which became effective on February 17, 1998, the New York Stock Exchange, Inc. (''NYSE''). Trading in the Security on the NYSE commenced on March 3, 1998, and concurrently therewith the Security was suspended from trading on the Amex.

The Company has complied with Rule 18 of the Amex by filing with the Amex a certified copy of the resolutions adopted by the Company's Board of Directors authorizing the withdrawal of its Security from listing on the Amex and by setting forth in detail to such Exchange the reasons for and facts supporting such proposed withdrawal.

The Exchange has informed the Company that it has no objection to the withdrawal of the Company's Security from listing on the Amex.

Any interested person may, on or before May 5, 1998, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–10424 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23113; 813–178]

Lehman Brothers Capital Partners I, et al.; Notice of Application

April 14, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the ''Act'') granting an exemption from all provisions of the Act, except section 9, certain provisions of sections 17 and 30, sections 36 through 53, and the rules and regulations under those sections.

SUMMARY OF APPLICATION: Applicants request an order to exempt certain investment funds formed for the benefit of key employees of Lehman Brothers Holdings Inc. (''Lehman'') and its affiliates from certain provisions of the Act, and to permit the funds to engage in certain joint arrangements. Each fund will be an ''employees' securities company'' as defined in section 2(a)(13) of the Act.[1]

APPLICANTS: Lehman Brothers Capital Partners I (''Capital Partners I'' or the ''Initial Partnership''), Lehman Brothers Capital Partners II, L.P. (''Capital Partners II''), Lehman Brothers Capital Partners III, L.P. (''Capital Partners III''), LB I Group Inc., and Lehman.

FILING DATES: The application was filed on August 25, 1997 and amended on January 21, 1998. Applicants have agreed to file an additional amendment, the substance of which is incorporated in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 8, 1998, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 3 World Financial Center, 200 Vesey Street, New York, NY 10285.

FOR FURTHER INFORMATION CONTACT: Mary T. Geffroy, Senior Counsel, at (202) 942–0553, or Christine Y. Greenless, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. (202) 942–8090).

Applicants' Representations

1. Lehman and its affiliates, as defined in rule 12b–2 under the

[1] The requested order would supersede a prior order. *Shearson Lehman Brothers Capital Partners-85 and SLB Investment Inc.*, Investment Company Act Release Nos. 14663 (Aug. 7, 1985) (notice) and 14702 (Sept. 4, 1985) (order).

Securities Exchange Act of 1934 (the ''Exchange Act'') (collectively, the ''Lehman Group''), constitute a global investment banking organization. Lehman Brothers Inc., a Delaware corporation and wholly-owned subsidiary of Lehman, is the principal broker-dealer affiliate of the Lehman Group and is registered as a broker-dealer under the Exchange Act and as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'').

2. Capital Partners I is a New York limited partnership, and Capital Partners II, L.P. and Capital Partners III, L.P. are Delaware limited partnerships (collectively, the ''Existing Partnerships''). LB I Group Inc. is the general partner of the Initial Partnership. The Existing Partnerships were established to enable certain key employees of the Lehman Group to receive the benefit of certain investment opportunities which come to the attention of the Lehman Group. Applicants propose to establish one or more partnerships or other investment vehicles for the same purpose (the ''Subsequent Partnerships'' and collectively with the Existing Partnerships, the ''Partnerships''). Each Partnership will be an ''employees' securities company'' within the meaning of section 2(a)(13) of the Act, and will operate as a closed-end, non-diversified, management investment company.

3. The goal of the Partnerships is to reward and retain certain key employees and to attract qualified employees to the Lehman Group. Lehman believes that the Partnerships are important in allowing Lehman to complete in attracting and retaining employees with other firms that provide similar investment opportunities to their employees. Participation in a Partnership will be voluntary.

4. Each Partnership will have a general partner or other investment manager (the ''General Partner'') that will be registered as an investment adviser under the Advisers Act or exempt from the registration requirements of the Advisers Act by virtue of section 203(b)(3) of the Act. The General Partner will be a member of the Lehman Group, and will manage, control, and make investment decisions for the Partnerships. The General Partner may hire one or more investment managers who are not affiliated with any member of the Lehman Group. These investment managers may be responsible for managing all or a portion of a Partnership's assets, or they may hire an investment adviser to do so.

5. Interests in the Partnerships (''Interests'') will be offered without registration in reliance on section 4(2) of the Securities Act of 1933 (the ''Securities Act''), and will be sold without a sales load or any similar fee. Interests will be offered and sold only to (i) current and former employees, officers, directors and consultants of the Lehman Group (''Eligible Employees''), (ii) immediate family members (as defined under Item 404(a) of Regulation S–K under the Securities Act) and grandchildren of Eligible Employees (''Qualified Family Members''), or (iii) trusts or other investment vehicles established for the benefit of Eligible Employees or Qualified Family Members (''Qualified Investment Vehicles'' and collectively with Qualified Family Members, ''Qualified Participants''). Prior to offering Interests to an Eligible Employee or Qualified Family Member, the General Partner must reasonably believe that the Eligible Employee or Qualified Family Member will be capable of understanding and evaluating the merits and risks of participation in the Partnership. Eligible Employees will be experienced professionals in the investment banking, securities, commodities or insurance businesses, or in related administrative, financial, accounting, legal or operational activities.

6. Interests will not be offered to entities within the Lehman Group, but to the extent that Interests are not fully subscribed for in connection with an offering, a member of the Lehman Group may purchase the remaining unsubscribed Interests. Interests also may be purchased by an entity within the Lehman Group upon the termination of employment of a Limited Partner with a member of the Lehman Group or upon a Limited Partner's default with respect to payment of his or her capital contribution.

7. Eligible Employees and Qualified Family Members who seek to invest in a Partnership (''Limited Partners'') must meet the standards for an ''accredited investor'' under rule 501(a)(5) or (6) or Regulation D under the Securities Act, except that a maximum of 35 Eligible Employees or Qualified Family Members who are sophisticated investors but who do not meet the definition of an accredited investor may become Limited Partners if approved by the General Partner after taking into consideration such factors as income level, investment experience, risk tolerance, professional background and length of employment with the Lehman Group. Eligible Employees who satisfy the net worth requirements of rule 501(a)(5) of Regulation D will typically be senior Lehman employees who have accumulated significant individual net worth. Generally, those Eligible Employees who satisfy the requirements of rule 501(a)(5) also would be expected to satisfy the requirements of rule 501(a)(6). However, there could be circumstances under which only rule 501(a)(5) is satisfied.

8. An Eligible Employee will be given a copy of the limited partnership agreement or other organizational documents (the ''Partnership Agreement'') at the time the Eligible Employee is offered the right to subscribe for Interests in the Partnership. The Partnership Agreement will set forth fully the terms applicable to the Limited Partners.

9. The General Partners of the Existing Partnerships do not receive any fees or other compensation for serving as General Partners. A General Partner of a Subsequent Partnership may be paid a management fee which is generally determined as a percentage of assets under management, invested capital or aggregate commitments. In addition, a General Partner may be entitled to a performance-based fee (''carried interest''), based on the Partnership's gains and losses.

10. The General Partner will be required to make capital contributions to the Partnership that generally will be equal to at least 1% of the Partnership's aggregate capital commitments. The General Partner may, but will not be required to, contribute capital to the Partnership in a multiple of the aggregate amount of capital contributed by the Limited Partners (the ''Preferred Capital Contribution''). In such circumstances, the General Partner may be entitled to receive a cumulative return on the unreturned portion of the Preferred Capital Contribution as compensation for its disproportionate capital contribution.

11. Distributions, and allocations of profits and losses, of the Existing Partnerships are made first to the General Partner, then to the Limited Partners, to return their respective capital contributions. The Limited Partners and General Partners then receive a specified percentage of the profits of the Partnership. Losses are allocated in a manner consistent with the allocation of profits, except that the General Partner remains liable for losses exceeding Partnership assets. Subsequent Partnerships will allocate and distribute profits and losses among the General Partners and the Limited Partners in a similar manner, provided that the priorities, amounts, and percentages may differ. The Limited Partners will share in the profits and

losses arising from each Partnership's investment activities in proportion to the size of their respective interests in the Partnership.

12. An entity in the Lehman Group may loan money to a Partnership (or to the General Partner, which, in turn, will lend the money to the Partnership) at an interest rate no less favorable than the rate obtainable on an arm's-length basis.

13. Partnerships may co-invest alongside members of the Lehman Group in investments made by those members in the course of their business. Co-investments by a Partnership will be on terms at least as favorable as the terms of the investment made by an entity of the Lehman Group. It also is possible that Lehman and a Partnership may co-invest, or a Partnership may invest by itself, in a company alongside an investment fund or account organized for the benefit of investors who are not affiliated with the Lehman Group, over which an entity within the Lehman Group exercises investment discretion (a ''Third Party Fund'').

14. Interests in a Partnership generally will be non-transferable except with the prior written consent of the General Partner is its sole discretion. No person or entity will be admitted into a Partnership unless the person or entity is (i) an Eligible Employee, (ii) a Qualified Participant, or (iii) an entity within the Lehman Group.

15. Interests in a Partnership generally will not be redeemable. The General Partner may be entitled or required to purchase a Limited Partner's Interests under certain circumstances involving (i) the Limited Partner's termination of employment with the Lehman Group with or without cause, including the death, disability or voluntary resignation of the Limited Partner, and/or (ii) a default by the Limited Partner with respect to the payments of capital contributions. In addition, the General Partner may purchase a Limited Partner's Interest upon mutual agreement of the parties, including circumstances involving the financial hardship of the Limited Partner. An entity within the Lehman Group also may have the right to purchase a Limited Partner's vested or unvested Interest upon the Limited Partner's termination of employment. If a Limited Partner's Interests are subject to vesting, the Interests initially will be unvested and will vest over time at specified percentages and at specified intervals, as set forth in the Partnership Agreement. For Subsequent Partnerships, the redemption or purchase price will not be less than the lower of (i) the amount invested by the Limited Partner, plus interest for the period since the investment, and (ii) the fair market value (as determined by the General Partner in good faith) of the Interest as of the next valuation date for Interests, less any amount forfeited by the Limited Partner for failure to make required capital contributions.

16. The term of each Partnership is expected to be fixed for a period of 25 years or less from the date of its creation, but may be subject to earlier termination by the General Partner. In addition, each Partnership may be dissolved upon (i) the registration, withdrawal, dissolution or bankruptcy of the General Partner, (ii) the insolvency or bankruptcy of the Partnership, (iii) the sale of all or substantially all of the Partnership's assets, (iv) the conversion of the Partnership to corporate form pursuant to the terms of the applicable Partnership Agreement, or (v) any other event requiring dissolutions of the Partnership under applicable law. In the event of dissolution, the Partnership's net assets will be distributed in accordance with the applicable Partnership Agreement.

17. A Partnership will not acquire any security issued by a registered investment company if, immediately after the acquisition, the Partnership will own more than 3% of the outstanding voting stock of the registered investment company.

18. As soon as practicable after the end of each fiscal year of each Partnership, the General Partner will mail or otherwise furnish a copy of a certified public accountant's report, which will include the Partnership's financial statements, to each Limited Partner of the Partnership. In addition, each Partnership will supply the Partners with all information reasonably necessary to enable the Limited Partners to prepare their federal and state income tax returns.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides that the SEC will exempt employees' securities companies from the provisions of the Act to the extent that the exemption is consistent with the protection of investors. Section 6(b) provides that the SEC will consider, in determining the provisions of the Act from which the company should be exempt, the company's form of organization and capital structure, the persons owning and controlling its securities, the price of the company's securities and the amount of any sales load, how the company's funds are invested, and the relationship between the company and the issuers of the securities in which it invests. Section 2(a)(13) defines an employees' securities company, in relevant part, as any investment company all of whose securities are beneficially owned by (i) current or former employees, or persons on retainer, of one or more affiliated employers, (ii) immediate family members of those persons, or (iii) the employer or employers together with any of the persons in (i) or (ii).

2. Section 7 of the Act generally prohibits investment companies that are not registered under section 8 of the Act from selling or redeeming their securities. Section 6(e) provides that, in connection with any order exempting an investment company from any provision of section 7, certain provisions of the Act, as specified by the SEC, will be applicable to the company and other persons dealing with the company as though that company was registered under the Act.

3. Applicants request an order under sections 6(b) and 6(e) of the Act exempting the Partnerships from all provisions of the Act, except section 9, certain provisions of sections 17 and 30, sections 36 through 53, and the rules and regulations under those sections.

4. Section 17(a) generally prohibits any affiliated person of a registered investment company, or any affiliated person of that person, acting as principal, from knowingly selling or purchasing any security or other property to or from that company. Applicants request an exemption from section 17(a) to permit (i) an entity within the Lehman Group (including a Third Party Fund), acting as principal, to engage in any transaction with a Partnership, or a company controlled by the Partnership (''Controlled Company''), (ii) a Partnership to invest or engage in any transaction with any entity in which a Partnership, a Controlled Company, or entity within the Lehman Group (a) has invested or will invest, or (b) is or will become otherwise affiliated, and (iii) a Third Party Investor,[2] acting as principal, to engage in any transaction with a Partnership or Controlled Company.

5. Applicants submit that an exemption from section 17(a) is consistent with the policy of each Partnership and the protection of investors. Applicants believe that an exemption is necessary to enable the Partnerships to participate in attractive investments that may be offered by the Lehman Group. Applicants assert that the Limited Partners will have been

[2] A Third Party Investor is a partner or other investor of a Third Party Fund that is not an entity within the Lehman Group, or any affiliate of that partner or investor,

fully informed of the possible extent of the Partnership's dealings with affiliates and will be able to understand and evaluate the risks associated with those dealings.

6. Section 17(d) and rule 17d–1 prohibit any affiliated person or principal underwriter of a registered investment company, or any affiliated person of that person or underwriter, acting as principal, from participating in any joint arrangement with the company unless authorized by the SEC. Applicants request exemptive relief to permit affiliated persons of each Partnership, or affiliated persons of any of these persons, to participate in any joint arrangement in which the Partnership or a company controlled by the Partnership is a participant.

7. Applicants assert that the flexibility to structure co-investments and joint investments in the manner described in the application will not involve abuses of the type that section 17(d) and rule 17d–1 were designed to prevent. Applicants state that the concern that permitting co-investments by Lehman and a Partnership might lead to less advantageous treatment of the Partnership should be mitigated by the community of interest among the Lehman Group and the personnel who invest in the Partnership, and the fact that officers and directors of entities within the Lehman Group will be investing in the Partnership. In addition, applicants assert that strict compliance with section 17(d) would prevent the Partnerships from participating in attractive investments solely because an affiliate of the Partnership also may participate in the investment. Finally, applicants contend that the ''lock-step'' procedures, described in condition 3 below, align the interests of the Eligible Employees with those of the Lehman Group and, therefore, minimize the possibility that a Partnership may be disadvantaged by an affiliate's participation in a transaction.

8. Co-investments with Third Party Funds will not be subject to condition 3. Applicants believe it is important that the Third Party Fund not be burdened or otherwise affected by a Partnership's participation in an investment opportunity. In addition, applicants believe that the relationship of a Partnership to a Third Party Fund is fundamentally different from a Partnership's relationship to the Lehman Group. Applicants contend that the focus of, and the rationale for, the protections contained in the requested relief are to protest the Partnerships from any overreaching by the Lehman Group in the employer/employee context, whereas the same concerns are not present with respect to the Partnerships vis-a-vis the investors of a Third Party Fund.

9. Section 17(f) of the Act designates the entities that may act as investment company custodians, and rule 17f–1 imposes certain requirements when the custodian is a member of a national securities exchange. Applicants request an exemption from section 17(f) and rule 17f–1 to the extent necessary to permit an entity within the Lehman Group to act as custodian of Partnership assets without a written contract, as would be required by rule 17f–1(a). Applicants also request an exemption from the rule 17f–1(b)(4) requirement that independent accountants periodically verify the assets held by the custodian. Applicants believe that, because of the community of interest of all the parties involved and existing requirement for an independent annual audit, compliance with these requirements would be unnecessarily burdensome and expensive. Each Partnership will comply with all other requirements of rule 17f–1.

10. Section 17(g) and rule 17g–1 generally require the bonding of officers and employees of a registered investment company who have access to its securities or funds. Rule 17g–1 requires that a majority of directors who are not interested persons take certain actions and give certain approvals relating to fidelity bonding. Applicants request exemptive relief to permit the members of the related board of directors of the General Partner or any committee serving similar functions (the ''Board''), who may be deemed interested persons, to take actions and make determinations set forth in the rule. Applicants state that, because all of the members of a related Board will be affiliated persons, a Partnership could not comply with rule 17g–1 without the requested relief. Specifically, each Partnership will comply with rule 17g–1 by having a majority of the members of the related Board take actions and make determinations as are set forth in rule 17g–1. Applicants also state that each Partnership will comply with all other requirements of rule 17g–1.

11. Section 17(j) and paragraph (a) of rule 17j–1 prohibit certain enumerated persons from engaging in fraudulent or deceptive practices in connection with the purchase or sale of a security held or to be acquired by a registered investment company. Rule 17j–1 also requires that every registered investment company adopt a written code of ethics and that every access person of a registered investment company report personal securities transactions. Applicants request an exemption from the provisions of rule 17j–1 (except rule 17j–1(a)) because they are unnecessarily burdensome as applied to the Partnerships.

12. Applicants request an exemption from the requirements in sections 30(a), 30(b) and 30(e), and the rules under those sections, that registered investment companies prepare and file with the SEC and mail to their shareholders certain periodic reports and financial statements. Applicants believe that the forms prescribed by the SEC for periodic reports have little relevance to a Partnership and would entail administrative and legal costs that outweigh any benefit to the Limited Partners in a Partnership. Applicants request exemptive relief to the extent necessary to permit each Partnership to report annually to its Limited Partners. Applicants also request an exemption from section 30 (h) to the extent necessary to exempt the General Partner of each Partnership and any others who may be deemed to be members of an advisory board of a Partnership from filing Forms 3, 4 and 5 under section 16(a) of the Exchange Act with respect to their ownership of Interests in the Partnership. Applicants assert that, because there will be no trading market and the transfers of Interests will be severely restricted, these filings are unnecessary for the protection of investors and burdensome to those required to make them.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. Each proposed transaction otherwise prohibited by section 17(a) or section 17(d) and rule 17d–1 to which a Partnership is a party (the ''Section 17 Transactions'') will be effected only if the Board determines that: (i) The terms of the transaction, including the consideration to be paid or received, are fair and reasonable to the Limited Partners and do not involve overreaching of the Partnership or its Limited Partners on the part of any person concerned; and (ii) the transaction is consistent with the interests of the Limited Partners, the Partnership's organizational documents, and the Partnership's reports to its Limited Partners. In addition, the General Partner will record and preserve a description of the affiliated transactions, the Board's findings, the information or materials upon which the Board's findings are based, and the basis for the findings. All records relating to a proposed co-investment transaction will be maintained until the

termination of the Partnership engaging in the transaction and at least two years thereafter, and will be subject to examination by the SEC and its staff.[3]

2. In connection with the Section 17 Transactions, the Board, through the General Partner, will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, prior to the consummation of any transaction, with respect to the possible involvement in the transaction of any affiliated person, promoter of, or principal underwriter for the Partnerships, or any affiliated person of that person, promoter, or principal underwriter.

3. The General Partner will not invest the funds of any Partnership in any investment in which a ''Co-Investor'' (as defined below) has acquired, or proposes to acquire, the same class of securities of the same issuer, where the investment involves a joint enterprises or other joint arrangement within the meaning of rule 17d–1 in which the Partnership and the Co-Investor are participants, unless the Co-Investor, prior to disposing of all or part of its investment (i) gives the General Partner sufficient, but not less than one day's notice of its intent to dispose of its investment, and (ii) refrains from disposing of its investment unless the Partnership has the opportunity to dispose of the Partnership's investment prior to, or concurrently with, on the same terms as, and pro rata with, the Co-Investor. The term ''Co-Investor'' means any person who is (i) an ''affiliated person'' (as that term is defined in the Act) of the Partnership (other than a Third Party Fund); (ii) an entity within the Lehman Group; (iii) an officer or director of an entity within the Lehman Group; or (iv) a company in which the General Partner of the Partnership has the capacity to control the sale or other disposition of the company's securities. The restrictions contained in this condition, however, will not be deemed to limit or prevent the disposition of an investment by a Co-Investor (i) to its direct or indirect wholly-owned subsidiary, to any company (a ''parent'') of which the Co-Investor is a direct or indirect wholly-owned subsidiary, or to a direct or indirect wholly-owned subsidiary of its parent; (ii) to Qualified Family Members of the Co-Investor or a trust or other investment vehicle established for a Qualified Family Member; (iii) when the investment is comprised of securities that are listed on any exchange registered as a national securities exchange under section 6 of the Exchange Act; (iv) when the investment is comprised of securities that are national market system securities pursuant to section 11A(a)(2) of the Exchange Act and rule 11A2–1 under that Act, or (v) when the investment is comprised of securities that are listed on or traded on any foreign securities exchange or board of trade that satisfies regulatory requirements under the law of the jurisdiction in which the foreign securities exchange or board of trade is organized similar to those that apply to a national securities exchange or a national market system for securities.

4. Each Partnership and its General Partner of the Partnership will maintain and preserve, for the life of the Partnership and at least two years thereafter, those accounts, books, and other documents that constitute the record forming the basis for the audited financial statements that are to be provided to the Limited Partners, and each annual report of the Partnership required to be sent to those Limited Partners, and agree that the records will be subject to examination by the SEC and its staff.[4]

5. The General Partner will send to each Limited Partner who had an interest in any capital account of the Partnership, at any time during the fiscal year then ended, Partnership financial statements audited by the Partnerships's independent accountants. At the end of each fiscal year, the General Partner will make a valuation or have a valuation made of all of the assets of the Partnership as of that fiscal year end in a manner consistent with customary practice with respect to the valuation of assets of the kind held by the Partnership. In addition, as soon as practicable after the end of each fiscal year of each Partnership, the General Partner will send a report to each person who was a Limited Partner at any time during the fiscal year then ended, setting forth tax information as will be necessary for the preparation by the Limited Partner of federal and state income tax returns, and a report of the investment activities of the Partnership during that year.

6. In any case where purchases or sales are made by a Partnership from or to an entity affiliated with a Partnership by reason of a 5% or more investment in that entity by a Lehman Group director, officer or employee, that individual will not participate in the Partnership's determination of whether or not to effect the purchase or sale.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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BILLING CODE 8010–01–M

[3] Each Partnership will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

[4] Each Partnership will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23114; 812–10602]

NationsBanc Montgomery Securities LLC; Notice of Application

April 14, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 12(d)(1) of the Act, under section 6(c) of the Act for an exemption from section 14(a) of the Act, and under section 17(b) of the Act for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: NationsBanc Montgomery Securities LLC (''NationsBanc'') requests an order with respect to the Hybrid Income Trust Securities (''HITS'') trusts and future trusts that are substantially similar to the HITS trusts and for which NationsBanc will serve as a principal underwriter (collectively, the ''Trusts'') that would (i) permit other registered investment companies, and companies excepted from the definition of investment company under sections 3(c)(1) and (c)(7) of the Act, to own a greater percentage of the total outstanding voting stock (the ''Securities'') of any Trust than that permitted by section 12(d)(1), (ii) exempt the Trusts from the initial net worth requirements of section 14(a), and (iii) permit the Trusts to purchase U.S. government securities from NationsBanc at the time of a Trust's initial issuance of Securities.

FILING DATES: The application was filed on April 4, 1997. Applicant has agreed to file an amendment, the substance of which is incorporated in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving NationsBanc with a copy of the request, personally or by

mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 7, 1998, and should be accompanied by proof of service on NationsBanc, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. NationsBanc, 9 West 57th Street, New York, New York 10019.

FOR FURTHER INFORMATION CONTACT: Brian T. Hourihan, Senior Counsel, at (202) 942–0526, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549 (tel. (202) 942–8090).

Applicant's Representations

1. Each Trust will be a limited-life, grantor trust registered under the Act as a non-diversified, closed-end management investment company. NationsBanc will serve as a principal underwriter (as defined in section 2(a)(29) of the Act) of the Securities issued to the public by each Trust.

2. Each Trust will, at the time of its issuance of Securities, (i) enter into one or more forward purchase contracts (the ''Contracts'') with a counterparty to purchase a formulaically-determined number of a specified equity security or securities (the ''Shares'') of one specified issuer,[1] and (ii) in some cases, purchase certain U.S. Treasury securities (''Treasuries''), which may include interest-only or principal-only securities maturing at or prior to the Trust's termination. The Trusts will purchase the Contracts from counterparties that are not affiliated with either the relevant Trust or NationsBanc. The investment objective of each Trust will be to provide to each holder of Securities (''Holder'') (i) current cash distributions from the proceeds of any Treasuries, and (ii) participation in, or limited exposure to, changes in the market value of the underlying Shares.

3. In all cases, the Shares will trade in the secondary market and the issuer of the Shares will be a reporting company under the Securities Exchange Act of 1934. The number of Shares, or the value of the Shares, that will be delivered to a Trust pursuant to the Contracts may be fixed (*e.g.*, one Share per Security issued) or may be determined pursuant to a formula, the product of which will vary with the price of the Shares. A formula generally will result in each Holder of Securities receiving fewer Shares as the market value of the Shares increases, and more Shares as their market value decreases.[2] At the termination of each Trust, each Holder will receive the number of Shares per Security, or the value of the Shares, as determined by the terms of the Contracts, that is equal to the Holder's *pro rata* interest in the Shares or amount received by the Trust under the Contracts.[3]

4. Securities issued by the Trust will be listed on a national securities exchange or traded on The Nasdaq National Market System. Thus, the Securities will be ''national market system'' securities subject to public price quotation and trade reporting requirements. After the Securities are issued, the trading price of the Securities is expected to vary from time to time based primarily upon the price of the underlying Shares, interest rates, and other factors affecting conditions and prices in the debt and equity markets. NationsBanc currently intends, but will not be obligated, to make a market in the Securities of each Trust.

5. Each Trust will be internally managed by three trustees and will not have a separate investment adviser. The trustees will have limited or no power to vary the investments held by each Trust. A bank qualified to serve as a trustee under the Trust Indenture Act of 1939, as amended, will act as custodian for each Trust's assets and as administrator, paying agent, registrar, and transfer agent with respect to the Securities of each Trust. The bank will have no other affiliation with, and will not be engaged in any other transaction with, any Trust. The day-to-day administration of each Trust will be carried out by NationsBanc or the bank.

6. The Trusts will be structured so that the trustees are not authorized to sell the Contracts or Treasuries under any circumstances or only upon the occurrence of a default under a Contract. The Trusts will hold the Contracts until maturity or any earlier acceleration, at which time they will be settled according to their terms. However, in the event of the bankruptcy or insolvency of any counterparty to a Contract with a Trust, or the occurrence of certain other defaults provided for in the Contract, the obligations of the counterparty under the Contract will be accelerated and the available proceeds of the Contract will be distributed to the Security Holders.

7. The trustees of each Trust will be selected initially by NationsBanc, together with any other initial Holders, or by the grantors of the Trust. The Holders of each Trust will have the right, upon the declaration in writing or vote of more than two-thirds of the outstanding Securities of the Trust, to remove a trustee. Holders will be entitled to a full vote for each Security held on all matters to be voted on by Holders and will not be able to cumulate their votes in the election of trustees. The investment objectives and policies of each Trust may be changed only with the approval of a ''majority of the Trust's outstanding Securities'' [4] or any greater number required by the Trust's constituent documents. Unless Holders so request, it is not expected that the Trusts will hold any meetings of Holders, or that Holders will ever vote.

8. The Trusts will not be entitled to any rights with respect to the Shares until any Contracts requiring delivery of the Shares to the Trust are settled, at which time the Shares will be promptly distributed to Holders. The Holders, therefore, will not be entitled to any rights with respect to the Shares (including voting rights or the right to receive any dividends or other distributions) until receipt by them of the Shares at the time the Trust is liquidated.

9. Each Trust will be structured so that its organizational and ongoing

[1] Initially, no Trust will hold Contracts relating to the Shares of more than one issuer. However, if certain events specified in the Contracts occur, such as the issuer of Shares spinning-off securities of another issuer to the holders of the Shares, the Trust may receive shares of more than one issuer at the termination of the Contracts.

[2] A formula is likely to limit the Holder's participation in any appreciation of the underlying Shares, and it may, in some cases, limit the Holder's exposure to any depreciation in the underlying Shares. It is anticipated that the Holders will receive a yield greater than the ordinary dividend yield on the Shares at the time of the issuance of the Securities, which is intended to compensate Holders for the limit on the Holders' participation in any appreciation of the underlying Shares. In some cases, there may be an upper limit on the value of the Shares that a Holder will ultimately receive.

[3] The contracts may provide for an option on the part of a counterparty to deliver Shares, cash, or a combination of Shares and cash to the Trust at the termination of each Trust.

[4] A ''majority of the Trust's outstanding Securities'' means the lesser of (i) 67% of the Securities represented at a meeting at which more than 50% of the outstanding Securities are represented, and (ii) more than 50% of the outstanding Securities.

expenses will not be borne by the Holders, but rather, directly or indirectly, by NationsBanc, the counterparties, or another third party, as will be described in the prospectus for the relevant Trust. At the time of the original issuance of the Securities of any Trust, there will be paid to each of the administrator, the custodian, and the paying agent, and to each trustee, a one-time amount in respect of such agent's fee over its term. Any expenses of the Trust in excess of this anticipated amount will be paid as incurred by a party other than the Trust itself (which party may be NationsBanc).

Applicant's Legal Analysis

A. Section 12(d)(1)

1. Section 12(d)(1)(A)(i) of the Act prohibits (i) any registered investment company from owning in the aggregate more than 3% of the total outstanding voting stock of any other investment company, and (ii) any investment company from owning in the aggregate more than 3% of the total outstanding voting stock of any registered investment company. A company that is excepted from the definition of investment company under section 3(c)(1) or (c)(7) of the Act is deemed to be an investment company for purposes of section 12(d)(1)(A)(i) of the Act under sections 3(c)(1)(D) of the Act. Section 12(d)(1)(C) of the Act similarly prohibits any investment company, other investment companies having the same investment adviser, and companies controlled by such investment companies from owning more than 10% of the total outstanding voting stock of any closed-end investment company.

2. Section 12(d)(1)(J) of the Act provides that the SEC may exempt persons or transactions from any provision of section 12(d)(1), if, and to the extent that, the exemption is consistent with the public interest and protection of investors.

3. NationsBanc believes, in order for the Trusts to be marketed most successfully, and to be traded at a price that most accurately reflects their value, that it is necessary for the Securities of each Trust to be offered to large investment companies and investment company complexes. NationsBanc states that these investors seek to spread the fixed costs of analyzing specific investment opportunities by making sizable investments in those opportunities. Conversely, NationsBanc asserts that it may not be economically rational for the investors, or their advisers, to take the time to review an investment opportunity if the amount that the investors would ultimately be permitted to purchase is immaterial in light of the total assets of the investment company or investment company complex. Therefore, NationsBanc argues that these investors should be able to acquire Securities in each Trust in excess of the limitations imposed by sections 12(d)(1)(A)(i) and 12(d)(1)(C). NationsBanc requests that the SEC issue an order under section 12(d)(1)(J) exempting the Trusts from the limitations.

4. NationsBanc states that section 12(d)(1) was designed to prevent one investment company from buying control of other investment companies and creating complicated pyramidal structures. NationsBanc also states that section 12(d)(1) was intended to address the layering of costs to investors.

5. NationsBanc believes that the concerns about pyramiding and undue influence generally do not arise in the case of the Trusts because neither the trustees nor the Holders will have the power to vary the investments held by each Trust or to acquire or dispose of the assets of the Trusts. To the extent that Holders can change the composition of the board of trustees or the fundamental policies of each Trust by vote, NationsBanc argues that any concerns regarding undue influence will be eliminated by a provision in the charter documents of the Trusts that will require any investment companies owning voting stock of any Trust in excess of the limits imposed by sections 12(d)(1)(A)(i) and 12(d)(1)(C) to vote their Securities in proportion to the votes of all other Holders. NationsBanc also believes that the concern about undue influence through a threat to redeem does not arise in the case of the Trusts because the Securities will not be redeemable.

6. Section 12(d)(1) also was designed to address the excessive costs and fees that may result from multiple layers of investment companies. NationsBanc believes that these concerns do not arise in the case of the Trusts because of the limited ongoing fees and expenses incurred by the Trusts and because generally these fees and expenses will be borne, directly or indirectly, by NationsBanc or another third party, not by the Holders. In addition, the Holders will not, as a practical matter, bear the organizational expenses (including underwriting expenses) of the Trusts. NationsBanc asserts that the organizational expenses effectively will be borne by the counterparties in the form of a discount in the price paid to them for the Contracts, or will be borne directly by NationsBanc, the counterparties, or other third parties. Thus, a Holder will not pay duplicative charges to purchase securities in any Trust. Finally, there will be no duplication of advisory fees because the Trusts will be internally managed by their trustees.

7. NationsBanc believes that the investment product offered by the Trusts serves a valid business purpose. The Trusts, unlike most registered investment companies, are not marketed to provide investors with either professional investment asset management or the benefits of investment in a diversified pool of assets. Rather, NationsBanc asserts that the Securities are intended to provide Holders with an investment having unique payment and risk characteristics, including an anticipated higher current yield than the ordinary dividend yield on the Shares at the time of the issuance of the Securities.

8. NationsBanc believes that the purposes and policies of section 12(d)(1) are not implicated by the Trusts and that the requested exemption from section 12(d)(1) is consistent with the public interest and the protection of investors.

B. Section 14(a)

1. Section 14(a) of the Act requires, in pertinent part, that an investment company have a net worth of at least $100,000 before making any public offering of its shares. The purpose of section 14(a) is to ensure that investment companies are adequately capitalized prior to or simultaneously with the sale of their securities to the public. Rule 14a–3 exempts from section 14(a) unit investment trusts that meet certain conditions in recognition of the fact that, once the units are sold, a unit investment trust requires much less commitment on the part of the sponsor than does a management investment company. Rule 14a–3 provides that a unit investment trust investing in eligible trust securities shall be exempt from the net worth requirement, provided that the trust holds at least $100,000 of eligible trust securities at the commencement of a public offering.

2. NationsBanc argues that, while the Trusts are classified as management companies, they have the characteristics of unit investments trusts. Investors in the Trusts, like investors in a unit investment trust, will not be purchasing interests in a managed pool of securities, but rather in a fixed and disclosed portfolio that is held until maturity. NationsBanc believes that the make-up of each trust's assets, therefore, will be ''locked-in'' for the life of the portfolio, and there is no need for an

ongoing commitment on the part of the underwriter.

3. NationsBanc states that, in order to ensure that each Trust will become a going concern, the Securities of each Trust will be publicly offered in a firm commitment underwriting, registered under the Securities Act of 1933, resulting in net proceeds to each Trust of at least $10,000,000. Prior to the issuance and delivery of the Securities of each Trust to the underwriters, the underwriters will enter into an underwriting agreement pursuant to which they will agree to purchase the Securities subject to customary conditions to closing. The underwriters will not be entitled to purchase less than all of the Securities of each Trust. Accordingly, NationsBanc states that either the offering will not be completed at all or each Trust will have a net worth substantially in excess of $100,000 on the date of the issuance of the Securities. NationsBanc also does not anticipate that the net worth of the Trusts will fall below $100,000 before they are terminated.

4. Section 6(c) of the Act provides that the SEC may exempt persons or transactions if, and to the extent that, the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. NationsBanc requests that the SEC issue an order under section 6(c) exempting the Trusts from the requirements of section 14(a). NationsBanc believes that the exemption is appropriate in the public interest and consistent with the protection of investors and the policies and provisions of the Act.

C. Section 17(a)

1. Sections 17(a) (1) and (2) of the Act generally prohibit the principal underwriter, or any affiliated person of the principal underwriter, of a registered investment company from selling or purchasing any securities to or from that investment company. The result of these provisions is to preclude the Trusts from purchasing Treasuries from NationsBanc.

2. Section 17(b) of the Act provides the SEC shall exempt a proposed transaction from section 17(a) if evidence establishes that the terms of the proposed transaction are reasonable and fair and do not involve overreaching, and the proposed transaction is consistent with the policies of the registered investment company involved and the purposes of the Act. NationsBanc requests an exemption from sections 17(a) (1) and (2) to permit the Trusts to purchase Treasuries from NationsBanc.

3. NationsBanc states that the policy rationale underlying section 17(a) is the concern that an affiliated person of an investment company, by virtue of this relationship, could cause the investment company to purchase securities of poor quality from the affiliated person or to overpay for securities. NationsBanc argues that it is unlikely that it would be able to exercise any adverse influence over the Trusts with respect to purchases of Treasuries because Treasuries do not vary in quality and are traded in one of the most liquid markets in the world. Treasuries are available through both primary and secondary dealers, making the Treasury market very competitive. In addition, market prices on Treasuries can be confirmed on a number of commercially available information screens. NationsBanc argues that because it is one of a limited number of primary dealers in Treasuries, it will be able to offer the Trusts prompt execution of their Treasury purchases at very competitive prices.

4. NationsBanc states that it is only seeking relief from section 17(a) with respect to the initial purchase of the Treasuries and not with respect to an ongoing course of business. Consequently, investors will know before they purchase a Trust's Securities the Treasuries that will be owned by the Trust and the amount of the cash payments that will be provided periodically by the Treasuries to the Trust and distributed to Holders. NationsBanc also asserts that whatever risk there is of overpricing the Treasuries will be borne by the counterparties and not by the Holders because the cost of the Treasuries will be calculated into the amount paid on the Contracts. NationsBanc argues that, for this reason, the counterparties will have a strong incentive to monitor the price paid for the Treasuries, because any overpayment could result in a reduction in the amount that they would be paid on the Contracts.

5. NationsBanc believes that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person, that the proposed transaction is consistent with the policy of each of the Trusts, and that the requested exemption is appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policies and provisions of the Act.

Applicant's Conditions

NationsBanc agrees that the order granting the requested relief will be subject to the following conditions:

1. Any investment company owning voting stock of any Trust in excess of the limits imposed by section 12(d)(1) of the Act will be required by the Trust's charter documents, or will undertake, to vote its Trust shares in proportion to the vote of all other Holders.

2. The trustees of each Trust, including a majority of the trustees who are not interested persons of the Trust, (i) will adopt procedures that are reasonably designed to provide that the conditions set forth below have been complied with; (ii) will make and approve such changes as are deemed necessary; and (iii) will determine that the transactions made pursuant to the order were effected in compliance with such procedures.

3. The Trusts (i) will maintain and preserve in an easily accessible place a written copy of the procedures (and any modifications to the procedures), and (ii) will maintain and preserve for the longer of (a) the life of the Trusts and (b) six years following the purchase of any Treasuries, the first two years in an easily accessible place, a written record of all Treasuries purchased, whether or not from NationsBanc, setting forth a description of the Treasuries purchased, the identity of the seller, the terms of the purchase, and the information or materials upon which the determinations described below were made.

4. The Treasuries to be purchased by each Trust will be sufficient to provide payments to Holders of Securities that are consistent with the investment objectives and policies of the Trust as recited in the Trust's registration statement and will be consistent with the interests of the Trust and the Holders of its Securities.

5. The terms of the transactions will be reasonable and fair to the Holders of the Securities issued by each Trust and will involve overreaching of the Trust or the Holders of Securities of the Trust on the part of any person concerned.

6. The fee, spread, or other remuneration to be received by NationsBanc will be reasonable and fair compared to the fee, spread, or other remuneration received by dealers in connection with comparable transactions at such time, and will comply with section 17(e)(2)(C) of the Act.

7. Before any Treasuries are purchased by the Trust, the Trust must obtain such available market information as it deems necessary to

determine that the price to be paid for, and the terms of, the transaction are at least as favorable as that available from other sources. This will include the Trust obtaining and documenting the competitive indications with respect to the specific proposed transaction from two other independent government securities dealers. Competitive quotation information must include price and settlement terms. These dealers must be those who, in the experience of the Trust's trustees, have demonstrated the consistent ability to provide professional execution of Treasury transactions at competitive market prices. They also must be those who are in a position to quote favorable prices.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10502 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23116; 812–10228]

New England Funds, L.P. et al.; Notice of Application

April 15, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order pursuant to section 17(d) and rule 17d–1 under the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: Applicants request an order that would permit funds relying on section 12(d)(1) (E) or (G) of the Act to enter into a special servicing agreement.

APPLICANTS: New England Funds, L.P. (''NEF''); New England Funds Management, L.P. (''NEFM''); New England Funds Trust I, on behalf of its series, New England Balanced Fund, New England Growth Fund, New England Value Fund, New England International Equity Fund, New England Capital Growth Fund, New England Bond Income Fund, New England Tax Exempt Income Fund, New England Government Securities Fund, New England Star Advisers Fund, New England Strategic Income Fund, and New England Star Worldwide Fund; New England Funds Trust II, on behalf of its series, New England Massachusetts Tax Free Income Fund, New England High Income Fund, New England Growth Opportunities Fund, New England Limited Term U.S. Government Fund, New England Adjustable Rate U.S. Government Fund, New England Intermediate Term Tax Free Fund of California, and New England Intermediate Term Tax Free Fund of New York; New England Funds Trust III, on behalf of its series, New England Equity Income Fund (collectively with New England Funds Trusts I, II, and III, the ''New England Funds''); and each existing or future open-end management investment company or series thereof, including TopFund Series Trust, that is part of the same group of investment companies as the New England Funds under section 12(d)(1)(G)(ii) of the Act and which is, or will be, advised by NEFM or any entity controlling, controlled by, or under common control with NEFM, or for which NEF or any entity controlling, controlled by, or under common control with NEF, serves as principal underwriter.

FILING DATES: The application was filed on July 1, 1996, and amended on December 5, 1996, May 1, 1997, and September 11, 1997. Applicants have agreed to file an additional amendment, the substance of which is incorporated in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 11, 1998, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: New England Funds, L.P., 399 Boylston Street, Boston, Massachusetts 02116, c/o Robert E. O'Hare, Esq.

FOR FURTHER INFORMATION CONTACT: Mary T. Geffroy, Senior Counsel, at (202) 942–0553, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. (202) 942–8090).

Applicants' Representatives

1. Each New England Fund is an open-end management investment company registered under the Act. New England Funds are referred to as ''Underlying Funds.''

2. NEFM is an investment adviser registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). NEFM serves as adviser to the New England Funds, except for the New England Growth Fund, which is advised by Capital Growth Management, L.P., an investment adviser registered under the Advisers Act. NEF is registered as a broker-dealer under the Securities Exchange Act of 1934. NEF serves as the principal underwriter of the New England Funds, including the New England Growth Fund.

3. TopFund Series Trust will be organized as a Massachusetts business trust and registered under the Act as an open-end management investment company. The term ''TopFund Series Trust'' refers to each existing and future open-end management investment company or any series of that company (the ''TopFunds'') that (1) is part of the same group of investment companies as the Underlying Funds under section 12(d)(1)(G)(ii) of the Act and (a) is, or will be, advised by NEFM or any entity controlling, controlled by, or under common control with NEFM, or (b) for which NEF or any entity controlling, controlled by, or under common control with NEF, serves as principal underwriter and (2) intends to invest substantially all of its assets in the Underlying Funds.[1] Certain TopFunds will invest in multiple Underlying Funds in accordance with section 12(d)(1)(G) of the Act and other TopFunds will invest all of their assets in a single Underlying Fund in accordance with section 12(d)(1)(E) of the Act. Each TopFund and each Underlying Fund will be a multiple class fund in reliance on rule 18f–3 under the Act.

4. Applicants propose to enter into a Special Servicing Agreement (the ''Agreement''), which will be among NEFM, TopFund Series Trust, NEF, New England Funds Trust I, New England Funds Trust II, and New England Funds Trust III. Under the Agreement, the Underlying Fund will bear the expenses of a TopFund (other than advisory fees and rule 12b–1 fees) in proportion to the average daily value

[1] The TopFunds may not be Underlying Funds and no TopFund will invest in another TopFund.

of the Underlying Fund's shares owned by the TopFund. Payments by an Underlying Fund to a TopFund under the Agreement will be a fund-wide expense of the Underlying Fund.

5. Applicants submit that a TopFund, by investing its assets in an Underlying Fund, enables the Underlying Fund to spread the Underlying Fund's expenses over a larger asset base. Applicants further submit that the Underlying Fund may experience savings because it would be servicing only one account (*i.e.*, the TopFund), instead of multiple accounts of the shareholders of the TopFund. No Underlying Fund will bear any expenses of a TopFund that exceed Net Benefits as defined in the condition below, to the Underlying Fund from the arrangement.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1(a) under the Act provide that an affiliated person of, or a principal underwriter for, a registered investment company, or an affiliate of such person or principal underwriter, acting as principal, shall not participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which the registered investment company is a participant unless the SEC has issued an order approving the arrangement.

2. Rule 17d–1(b) provides that, in passing upon exemptive requests under the rule, the SEC will consider whether participation of the investment company in the joint enterprise, joint arrangement, or profit-sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

3. Applicants request relief under section 17(d) and rule 17d–1 to permit them to enter into the Agreement in which the Underlying Funds may pay certain expenses of the TopFunds. Applicants contend that each Underlying Fund will pay a TopFund's expenses only in direct proportion to the average daily value of the Underlying Fund's shares owned by the TopFund to ensure that expenses of the TopFund are borne proportionately and fairly. Applicants also state that prior to an Underlying Fund's entering into the Agreement, and at least annually thereafter, the board of trustees of the Underlying Funds, including a majority of trustees who are not interested persons of the Underlying Fund (the ''Board'') will determine that the Agreement will result in Net Benefits, as defined in the condition below, to the Underlying Fund. In making the annual determination, one of the factors the Board will consider is the amount of Net Benefits actually experienced by each class of shareholders of the Underlying Fund and the Underlying Fund as a whole during the preceding year. For these reasons, applicants believe that the requested relief meets the standards of section 17(d) and rule 17d–1.

Applicants' Condition

Applicants agree that the order will be subject to the following condition:

Prior to an Underlying Fund's entering into the Special Servicing Agreement and at least annually thereafter, the Board must determine that the Special Servicing Agreement will result in quantifiable benefits to each class of shareholders of the Underlying Fund and to the Underlying Fund as a whole that will exceed the costs of the Special Servicing Agreement borne by each class of shareholders of the Underlying Fund and by the Underlying Fund as a whole (''Net Benefits''). In making the annual determination, one of the factors the Board must consider is the amount of Net Benefits actually experienced by each class of shareholders of the Underlying Fund and the Underlying Fund as a whole during the preceding year. The Underlying Fund will preserve for a period of not less than six years from the date of a Board determination, the first two years in an easily accessible place, a record of the determination and the basis and information upon which the determination was made. This record will be subject to examination by the SEC and its staff.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10503 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–9210]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Occidental Petroleum Corporation, Common Stock, $.20 Par Value)

April 14, 1998.

Occidental Petroleum Corporation (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Pacific Exchange, Inc. (''PCX'' or ''Exchange'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Security of the Company has been listed for trading on the Exchange and the New York Stock Exchange, Inc., pursuant to a Registration Statement on Form 8–B, dated June 26, 1986, as amended.

The Company has complied with Exchange Rule 3.4 by (i) filing with the Exchange a certified copy of the resolutions adopted by the Company's Board of Directors authorizing the delisting of the Security from the PCX as well as the foreign exchanges on which the Security is listed and (ii) setting forth in detail to the Exchange the reasons for the proposed delisting. As part of an overall corporate cost control project, the Company examined the trading volume for the Security on the various stock exchanges on which it is listed as well as the costs, including personnel time, associated with such listings. The examination included discussions with several major brokerage firms as well as listing representatives for the various exchanges. The conclusion was that there was extremely little value to the Company or its stockholders in being listed on exchanges other than the NYSE. In the case of the PCX, trading volume for the Security represents only about 2.6% of the volume on the NYSE. Moreover, although the annual maintenance fee for the PCX is relatively low, the Company generally does pay the maximum amount each year in additional listing fees.

By letter dated February 4, 1998, the Exchange informed the Company that it has approved the Company's request to be removed from listing and registration on the PCX.

By reason of Section 12(b) of the Act and the rules and regulations thereunder, the Company shall continue to file reports under Section 13 of the Act with the Commission and the NYSE.

Any interested person may, on or before May 5, 1998, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of

investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–10423 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23115; File No. 812–11000]

Transamerica Investors, Inc., et al.; Notice of Application

April 14, 1998.

AGENCY: Securities and Exchange Commission (the ''Commission'' or ''SEC'').

ACTION: Notice of application for an order under Section 17(b) of the Investment Company Act of 1940 (the ''1940 Act'').

SUMMARY OF APPLICATION: Applicants seek an order to permit the Transamerica High-Yield Bond Fund separate account (the ''Separate Account'') of Transamerica Life Insurance and Annuity Company (''Transamerica Life''), to transfer its portfolio of assets to the Transamerica Premier High-Yield Bond Fund (the ''Fund''), a series of Transamerica Investors, Inc. (''Transamerica Investors''), in exchange for shares of the Fund.

APPLICANTS: Transamerica Investors and Transamerica Life (collectively, the ''Applicants'').

FILING DATE: The application was filed on February 9, 1998.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving the Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on May 11, 1998, and must be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request and the issues contested. Persons may request notification of a hearing by writing the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, c/o Reid A. Evers, Transamerica Investors, Inc., 1150 South Olive, Suite 2100, Los Angeles, California 90015.

FOR FURTHER INFORMATION CONTACT: Keith Carpenter, Senior Counsel, or Kevin M. Kirchoff, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 5th Street, N.W., Washington, D.C. 20549 (tel. (202) 942–8090).

Applicants' Representations

1. Transamerica Investors is registered under the 1940 Act as an open-end management investment company of the series type.

2. Transamerica Life is a life insurance company incorporated under the laws of North Carolina which is principally engaged in writing individual and group life insurance policies and annuity contracts. Transamerica Life is wholly owned by Transamerica Occidental Life Insurance Company, which is wholly owned by Transamerica Insurance Corporation of California, which is wholly owned by Transamerica Corporation.

3. The Separate Account is a segregated asset account of Transamerica Life to which assets are allocated to support benefits payable under certain group annuity contracts issued by Transamerica Life (the ''Separate Account Contracts''). The Separate Account is excepted from the definition of investment company pursuant to Section 3(c)(11) of the 1940 Act and interests in the Separate Account are exempt securities pursuant to Section 3(a)(2) of the Securities Act of 1933. The owners of Separate Account Contracts (the ''Separate Account Contractholders'') own the Separate Account Contracts as funding vehicles for employee benefit plans. The Separate Account consists of a single portfolio of assets. The investment objective of the Separate Account is to seek to achieve a high total return (income plus capital changes) from high yield fixed income securities.

4. Transamerica Investment Services, Inc. (the ''Adviser'') serves as the investment adviser to Transamerica Investors and is a wholly-owned subsidiary of Transamerica Corporation. The Adviser also serves as an investment adviser to the Separate Account.

5. The Fund is being added as a new series to Transamerica Investors. Because the investment objectives, policies and restrictions of the Fund would mirror those of the Separate Account, the assets of the Separate Account will, if the exemptive relief sought in the application is granted, be transferred to the Fund (the ''Proposed Transfer'') in exchange for institutional class shares of the Fund. The Separate Account would, in effect, be converted to a unit investment trust-type separate investment account that would invest in a corresponding series of Transamerica Investors.

6. On the effective date of the Proposed Transfer, Transamerica Life, on behalf of the Separate Account, would transfer the portfolio of assets of the Separate Account in exchange for institutional class shares of the Fund. Transamerica Life would record shares issued by the Fund as assets of the Separate Account. The Proposed Transfer would be carried out in compliance with Section 22(c) of the 1940 Act and Rule 22c–1 thereunder. The value of the net assets of the Separate Account would be determined as of the business day immediately preceding the effective date of the Proposed Transfer. The number of shares of the Fund to be issued to the Separate Account would be determined by dividing the value of the net assets to be transferred from the Separate Account by the current per share value of the Fund's shares. Accordingly, the interests of the Separate Account Contractholders in the Fund immediately following the Proposed Transfer would be equivalent to their interests in the assets of the Separate Account immediately prior to the Proposed Transfer.

Applicants' Legal Analysis

1. Section 17(a)(1) of the 1940 Act prohibits any affiliated person of a registered investment company, or an affiliated person of an affiliated person, from selling any security or other property to a registered investment company. Section 17(a)(2) of the 1940 Act prohibits any of the persons described above from purchasing any security or other property from a registered investment company.

2. Each Applicant may be deemed to be an affiliated person of the other Applicant or an affiliated person of an affiliated person of the other Applicant under Section 2(a)(3) of the 1940 Act, and the Proposed Transfer may require an exemption from Section 17(a) of the

1940 Act pursuant to Section 17(b) of the 1940 Act.

3. Section 17(b) of the 1940 Act provides that the Commission may grant an order exempting a transaction prohibited by Section 17(a) of that Act upon application if evidence establishes that: (a) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement or reports filed under the 1940 Act; and (c) the proposed transaction is consistent with the general purposes of the 1940 Act.

4. Applicants represent that the terms of the Proposed Transfer, as described in the application, are reasonable and fair (including the consideration to be paid and received), do not involve overreaching, are consistent with the investment policies of the Fund, and are consistent with the general purposes of the 1940 Act.

5. Applicants believe that the Proposed Transfer would benefit the Fund in several ways. Usually, when a new series of an investment company is established, expenses remain relatively high and investments are limited until the asset size of the new series reaches a high enough level to support expenses and permit the necessary latitude in investment discretion. The Proposed Transfer of all of the assets of the Separate Account (valued at approximately $68 million as of December 31, 1997) to the Fund would avoid these problems. The Proposed Transfer would be effected in conformity with Section 22(c) of the 1940 Act and Rule 22c–1 thereunder. Therefore, after the Proposed Transfer, the Separate Account Contractholders would have interests that, in practical economic terms, do not differ in any measurable way from such interests immediately prior to the Proposed Transfer. The Proposed Transfer would not require liquidation of any assets of the Separate Account or Transamerica Investors because the transfer would take the form of an exchange of portfolio securities of the Separate Account for shares of the Fund. Because the investment policies and restrictions under the Separate Account are in substance identical prior to and following the Proposed Transfer, the only sales of the Separate Account assets following the Proposed Transfer would be those arising in the ordinary course of business. Therefore, neither the Separate Account nor Transamerica Investors will incur any extraordinary costs, such as brokerage commissions, in effecting the transfer of assets, as would be the case if the Separate Account were required to liquidate its portfolio in order to purchase shares of the Fund, and the Fund, in turn, were to use such purchase proceeds for investment in portfolio securities. Moreover, the Separate Account might be forced to sustain losses caused by the untimely sale of one or more of its portfolio securities. On the basis of the foregoing, the Applicants submit that the terms of the Proposed Transfer are reasonable and fair and do not involve overreaching, and that there is no inadequacy of consideration to be received by any party to the transaction.

6. The investment objective of the Fund, the shares of which would be issued to the Separate Account in exchange for assets of the Separate Account, would be, in substance, identical to the investment objectives of the Separate Account immediately preceding the Proposed Transfer. Accordingly, the transfer of the assets of the Separate Account to the Fund, which assets have been purchased under the investment objectives, policies and restrictions identical to those of the Fund, would be consistent with the objectives and policies of the Fund.

7. Applicants submit that the Proposed Transfer would be consistent with the general purposes of the 1940 Act by avoiding the possibility that the Fund or the Separate Account would incur unnecessary expenses or losses in connection with the Proposed Transfer.

Conclusion

Applicants, for the reasons summarized above, represent that the terms of the Proposed Transfer meet all of the requirements of Section 17(b) of the 1940 Act and that an Order should be granted exempting the Proposed Transfer from the provisions of Section 17(a), to the extent requested.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10501 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39861; SR–DTC–97–21]

Self-Regulatory Organizations; the Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to Modification of Processing Bankers' Acceptances

April 14, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 14, 1997, the Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission''), and on November 6, 1997, and February 23, 1998, amended the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will modify DTC's plan for processing bankers' acceptances (''BAs'') to provide for fungibility of an accepting bank's issues that are issued at a discount and that mature on the same day.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In 1994, the Commission approved an expansion of DTC's money market instruments (''MMI'') settlement program to include, among other things, BAs,[3] which allowed DTC to process

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] Securities Exchange Act Release Nos. 33958 (April 22, 1994); 59 FR 22879 (order approving proposal on temporary basis); and 35655 (April 28,

non-fungible BAs.[4] The purpose of the proposed rule change is to modify DTC's procedures to allow an accepting bank, at its option, to assign one CUSIP number to a bundle of its BAs that are issued at a discount and that have the same maturity date. DTC will treat all such BAs assigned the same CUSIP number as fungible.

Under existing practices in the BAs market, an issuing bank and an investor may agree that a single issuance transaction can be settled by the bank's delivery of a bundle of drafts, which may involve different drawers, different underlying transactions, different goods, or different countries of origin or destination, so long as each component draft has been accepted by the issuing bank and has the same maturity date. Industry participants have requested that DTC's proposed processing rules reflect this current market practice for trading BAs.

The proposed program for processing BAs will provide for an issuing bank to settle a single issuance transaction by book-entry delivery of interests in a bundle of drafts accepted by the bank, maturing on the same date, and identified by a single CUSIP number. Subsequent to the initial issuance of these fungible BAs, the issuing bank may increase the total amount of the issue outstanding by including additional accepted drafts of the same or longer tenure as the other component drafts.[5] Similarly, the issuing bank may substitute for a component draft of an outstanding issue of fungible BAs another accepted component draft having the same or longer maturity date. DTC will make available to participants through its Participant Terminal System inquiry function information about the features (*e.g.,* identity of drawer, goods, country of origin, and destination) of each component draft of fungible BAs that has been provided by the bank's issuing agent as of the date of the inquiry.

Market participants will remain responsible for complying with regulations of the U. S. Treasury Department's Office of Foreign Assets Control (''OFAC'') as they pertain to DTC-eligible BAs. In providing issuance instructions to DTC, the bank's issuing agent will be required to acknowledge that the issuance complies with OFAC regulations, if that is the case. The acknowledgement shall constitute a representation by the issuing agent that it maintains an appropriate system for assuring compliance with OFAC regulations and that the subject issuance complies with those regulations.

The bank's issuing agent will also be required to indicate in the issuance instructions whether or not the BAs being issued are eligible for purchase and discount at a federal reserve bank. As with information concerning other kinds of issues distributed through DTC, DTC will make the information available to participants but will not verify the accuracy of information provided by the issuing agent with respect to the BAs. DTC will not be liable for any loss related to the accuracy or completeness of information about BAs made available by it.

In the event of the accepting bank's insolvency, DTC's MMI program procedures relating to MMI issuer insolvency will apply. Furthermore, in order to put participants in a position to independently pursue claims against the bank or any other party (*e.g.,* the drawer of an accepted draft), DTC will seek to have accepted drafts which had been made payable or endorsed to DTC's nominee, Cede & Co., at the time the BAs were first issued, exchanged for accepted drafts made payable or endorsed to each participant having a position in each issue of the bank's BAs.[6] If DTC is unable to arrange for such exchanges, DTC will act, with respect to matters involving each issue of BAs (*i.e.*, CUSIP), in accordance with the written instructions of the participants having sixty-six and two-thirds percent or more of the total position in that issue.

As with other types of financial instruments in DTC's MMI program, for purposes of collateral valuation, BAs rated in one of the top two ratings categories by at least one of the largest bank-debt rating agencies and investment grade or above by other rating agencies will receive a two percent haircut from market price. BAs rated as investment grade only by the ratings agencies will receive a five percent haircut and all lower-rated or unrated BAs will receive a 100 percent haircut (resulting in zero collateral value). DTC will not accept for eligibility BAs that are in default.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because it promotes the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments on the proposed rule change were solicited or received. However DTC worked closely with a task force of The Bond Market Association, which task force was comprised of DTC participants, in developing the modified processing plan.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer periods (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve the proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in

1995), 60 FR 22423 (extension of temporary approval).

[4] Non-fungible BAs consist of those with only one underlying customer, draft, and accepting bank. A CUSIP number is assigned to each BA as opposed to a bundle of BAs, as is currently proposed by the rule change.

[5] Where the component drafts have different maturity dates, the bank issuing fungible BAs will be required to pay full maturity on the earliest date that component draft matures.

[6] A participant having a position on DTC's books in an issue of fungible BAs accepted by the insolvent bank would receive component drafts with each draft in an amount proportional to the participant's position in that issue.

the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–97–21 and should be submitted by May 12, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10422 Filed 4–20–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39860; File No. SR–GSCC–98–01]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to Funds-Only Settlement Payment Procedures

April 14, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 17, 1998, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend GSCC's rules regarding funds-only settlement (''FOS'') payments procedures to permit GSCC to retain significant FOS payments it owes to a member to offset such amounts against any significant clearing fund deposit obligation the member owes to GSCC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Purposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Two important elements of GSCC's risk management process are the daily calculation and collection of clearing fund deposit deficiency amounts and of mark to the market margin. The amount of a member's clearing fund deposit generally is the sum of (1) the absolute value of its average FOS amounts, (2) the highest of several margin calculations using the absolute value of each of the member's net settlement positions, and (3) the highest of two volatility calculations using the market value of each repo transaction that comprises its outstanding net settlement position.[3] The mark to the market collections are included as part of GSCC's FOS payment procedures and are calculated and collected on every forward settling position (*i.e.*, a position not scheduled to settle the next day). The calculated mark to the market amount is collected from a member with a debit and paid to a member with a credit.[4]

At times, GSCC is obligated to pay a member a FOS amount on a day on which that member also has a clearing fund deficiency call. Pursuant to its rules, GSCC is required to make the FOS payment to such a member prior to the time the member must make its clearing fund deficiency payment to GSCC.[5] This results in exposure to GSCC and its members for a period of time due to the potential that the member will fail after it has received a FOS payment from GSCC but before it has satisfied the clearing fund deficiency call. The proposed rule change will permit GSCC to retain FOS payments it owes to a member and to offset such amounts against any clearing fund deposit obligation the member owes to GSCC.[6]

Under the proposed amendment to Rule 13 Section 5, GSCC will be entitled to retain the lesser of the FOS amount or the amount of the clearing fund call (or the entire FOS amount if the difference between the amounts is zero) and apply it to the member's clearing fund deposit requirement. If a member pays all or a portion of its clearing fund deficiency in any type of eligible collateral by a preestablished time before GSCC's deadline to make its own FOS payments to members,[7] GSCC will only be entitled to offset its FOS obligation to the member against the member's remaining clearing fund deficiency. Pursuant to GSCC's existing rules, a member will have the right to substitute eligible collateral for any cash that GSCC applies to its clearing fund deposit as a result of an offset.

GSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) because the proposed rule change should enhance its risk management process by increasing settlement efficiency and reducing payment related risks to GSCC and its members.[8]

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. GSCC will notify members of the rule change filing and comments will be solicited by an important notice. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] GSCC's Rule 4, Clearing Fund, Margin, and Loss Allocation.

[4] For example, if the contract value exceeds the market value, the mark to the market amount will be collected from the buyer and paid to the seller. Conversely, if the market value exceeds the contract value, the mark to the market amount will be collected from the seller and paid to the buyer.

[5] GSCC is authorized to pay FOS obligations to members by 10:00 a.m. eastern time (''ET''). Members must satisfy clearing fund deficiences by the later of two hours after the receipt of GSCC's call or 10:00 a.m. ET. However, if the notification is not made earlier than two hours before the close of the cash FedWire, members may satisfy the calls on the next business day.

[6] GSCC does not plan to exercise the offset right unless it has a significant FOS obligation to a member (*i.e.*, $5 million or more) and the member has a significant clearing fund deficiency (*i.e.*, $5 million or more).

[7] GSCC currently plans to set the preestablished time at fifteen minutes before GSCC's deadline to make its own FOS payments to members.

[8] 15 U.S.C. 78q–1(b)(3)(F).

ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which GSCC consents, the Commission will:

(A) By order approve such filing or

(B) Institute proceedings to determine whether the rule filing should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the rule filing that are filed with the Commission, and all written communications relating to the rule filing between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to the File No. SR–GSCC–98–01 and should be submitted by May 12, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10421 Filed 4–20–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39873; File No. SR–MSRB–97–15]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Rules G–11, on Sales of New Issue Municipal Securities During the Underwriting Period, G–12, on Uniform Practice, and G–8, on Books and Records

April 14, 1998.

On December 23, 1997, the Municipal Securities Rulemaking Board (''Board'' or ''MSRB'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change (File No. SR–MSRB–97–15), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1], and Rule 19b–4 thereunder.[2] The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Board. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is filing herewith an amendment to Rule G–11, on sales of new issue municipal securities during the underwriting period, G–12, on uniform practice, and G–8, on books and records (hereinafter referred to as the ''proposed rule change''). The proposed rule change, among other things, requires the managing underwriter of a syndicate to maintain a record of all issuer syndicate requirements; requires the managing underwriter to complete the allocation of securities within 24 hours of the sending of the commitment wire; requires the managing underwriter to disclose to syndicate members all available designation information; requires the managing underwriter to disclose to members of the syndicate, in writing, the amount of any portion of the take-down that is directed to each member of the syndicate by the issuer; and shortens the deadline for payment of designations to 30 calendar days after the issuer delivers the securities to the syndicate.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The texts of these statements may be examined at the places specified in Item IV below. The Board has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

As part of the Board's review of the underwriting process, the Board has determined to adopt the proposed rule change to further strengthen the integrity of the syndicate practices process.

Issuer Syndicate Requirements

Issuer requirements involving syndicate formation, order review, designation policies and bond allocations have become much more prevalent in the municipal securities market. Such requirements are significant because they help to determine which dealers, and ultimately which investors, obtain the bonds. As issuer syndicate requirements can affect the functioning of the syndicate, and at times the final costs to the issuer of the new issue, the Board believes that records of such requirements should be maintained so that any problems or concerns regarding the functioning of the syndicate arising from these requirements can be identified and addressed and the information should be provided to syndicate members and others, upon request.

The proposed rule change amends Rules G–8(a)(viii) and G–11(f) to require the managing underwriter to maintain a record of all issuer syndicate requirements. If the requirements are in a published guideline, such guidelines should be maintained by the dealer and supplemented by a statement of any additional requirements that arise prior to settlement. If the requirements are not in published form, the managing underwriter must create a written detailed statement of such requirements and maintain such statement in its records. The managing underwriter must provide a copy of the published guidelines or underwriter prepared statement of issuer syndicate requirements to syndicate members prior to the first offer of any securities by the syndicate. Syndicate members must furnish this summary promptly to others, upon request. In addition, the managing underwriter must provide the issuer with a copy of any such statement for its review.

Allocation of Securities

The proposed rule change amends Rule G–11(g) to require the managing underwriter to complete the allocation of securities within 24 hours of the sending of the commitment wire. Delays in allocations seem to be a growing problem in the municipal securities market. Many delays in allocations appear to be the result of issuers and financial advisors failing to review orders and proposed allocations in a timely fashion. Investors complain that they have difficulty finalizing their portfolio positions when their orders

[9] 17 CFR 200.3–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

remain unfilled for as long as two or more days after the end of the order period. During volatile market conditions, delays in allocations hurt the prospect for a successful underwriting. The Board adopted the proposed rule change to ensure a timely allocation process in the industry.

Disclosure of Designation Information

There currently is no Board rule requiring the disclosure to syndicate members of all designations to members. The proposed rule change amends Rule G–11(g) to require that the managing underwriter disclose to syndicate members all available designation information within 10 business days following the date of sale and all information with the sending of the designation checks.

Disclosure of Take-Down

A small number of issuers are setting aside, or holding back, at their discretion, a portion of the take-down to direct to syndicate members. The Board believes that because this issuer ''set-aside'' is part of the take-down, it should be disclosed to syndicate members in the same manner as customer designations. The proposed rule change amends Rule G–11(g) to require the managing underwriter to disclose to members of the syndicate, in writing, the amount of any portion of the take-down that is directed to each member of the syndicate by the issuer. Such disclosure must be made by the later of 15 business days following the date of sale or three business days following receipt by the managing underwriter of notification of such set-asides by the issuer.

Payment of Designations

The proposed rule change amends Rule G–12(k) to move the deadline for payment of designations from 30 business days following delivery of the securities to the customer to 30 calendar days after the issuer delivers the securities to the syndicate. The Board adopted this amendment to provide for more efficient operation of syndicate accounts.

The Board believes the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act.[3]

[3] Section 15B(b)(2)(C) states that the rules of the Board shall be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, because it would apply equally to all brokers, dealers and municipal securities dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In May 1997, the Board published a notice (the ''Notice'') that, among other things, proposed for comment draft amendments to Rules G–11, G–12 and G–8 in three areas: (1) Recordkeeping and disclosure of issuer syndicate requirements; (2) timing and disclosure of allocations and designation; and (3) timing of settlement of syndicate accounts.[4]

In response to its request for comments, the Board received comment letters addressing the draft amendments from the following 13 commentators:

- Artemis Capital Group (''Artemis'')
- City of Chicago (''City of Chicago'')
- Edward Jones (''Edward Jones'')
- Franklin Templeton Group (''Franklin Templeton'')
- Goldman, Sachs & Co. (''Goldman Sachs'')
- Government Finance Officers Association (''GFOA'')
- Lehman Brothers Inc. (''Lehman Brothers'')
- Newman & Associates, Inc. (''Newman'')
- Prudential Securities (''Prudential'')
- Rauscher Pierce Refsnes, Inc. (''Rauscher Pierce'')
- Smith Barney Inc. (''Smith Barney'')
- The Bond Market Association (''BMA'')
- Wachovia Bank, N.A. (''Wachovia'')

Some commentators had general comments opposing any amendments to rules concerning syndicate practices. One commentator questioned the ''necessity for regulatory intervention in this area'' because the amendments will offer no benefit to issuers or investors but ''[r]ather, it is syndicate members who would be the economic beneficiaries of these changes and senior managers who would bear the cost.'' [5] Another commentator stated that ''dealers should be granted some discretion in conducting their business'' and that ''the dealer community is capable of and should remain responsible for developing mutually acceptable standards and practices in their dealings with one another through the negotiation of contractual obligations.'' [6] This commentator also believes that ''the business relationship of dealers, which does not serve the interest of investor protection * * * is not an area which should be subject to rulemaking by the MSRB.'' Two commentators [7] noted general concern about the Board proposing rules requiring dealers to ''police'' other market participants when dealer compliance with certain of the draft amendments is dependent upon the actions of others (e.g., issuers and financial advisors) to complete certain actions within specified timeframes.

The Board has determined, however, to adopt most of the proposed amendments because the proposed rule change would improve the syndicate process and thus, be a benefit both to investors and syndicate members. Specific comments on the draft amendments are summarized below.

Rule G–8(a)(viii): Managing underwriter must maintain a record of all issuer syndicate requirements. If the requirements are in a published guideline, such guidelines should be maintained by the dealer and supplemented by a statement of any additional requirements that arise prior to settlement. If the requirements are not in published form, the managing underwriter must create a written detailed statement of such requirements and maintain such statement in its records.

Rule G–11(f): Managing underwriter must provide a copy of the published guidelines or underwriter prepared statement of issuer syndicate requirements to syndicate members prior to the first offer of any securities by the syndicate. Syndicate members must furnish this summary promptly to others, upon request. Managing underwriter must provide the issuer with a copy of any such statement for its review.

Five commentators indicated general support for these amendments without commenting on the specific components.[8] GFOA noted that ''[t]he regulatory system should facilitate, not hinder, activism on the part of issuers and GFOA believes that the proposed changes help to improve communications about issuer directions and are consistent with its recommendations to issuers'' and that it ''believes it is particularly important that issuers be provided with a copy of any underwriter-prepared statement of issuer requirements in advance of distribution for approval. It urges issuers, however, to take responsibility themselves to provide clear directions

[4] See *MSRB Reports*, Vol. 17, No. 2 (June 1997) at 3–16, ''Board Review of Underwriting Process.''

[5] Smith Barney.

[6] Prudential.

[7] BMA and Lehman Brothers.

[8] Artemis, City of Chicago, GFOA, Rauscher Pierce and Wachovia.

about allocation designations in writing to underwriters.'' [9] One commentator noted support for maintaining a record of issuer syndicate requirements and for requiring the managing underwriter to provide a copy of the issuer requirements to syndicate members prior to the first offer of any securities by the syndicate.[10]

Five commentators expressed general support for disclosure of issuer policies and requirements, but they noted concerns on how the information would be disclosed (e.g., by using the Agreement Among Underwriters or a dealer-prepared statement).[11] Four commentators are opposed to requiring the managing underwriter to create a written detailed statement of issuer syndicate requirements if they are not in published form.[12] Two commentators noted the time and cost that would be involved in requiring the managing underwriter to prepare such a statement.[13] One commentator stated that the managing underwriter should be allowed to use the Agreement Among Underwriters instead of being required to create a written statement.[14] Two commentators [15] are not opposed to requiring syndicate managers to provide copies of issuer policies to syndicate members once the issuer has prepared these policies in written form and made them available.[16] One commentator noted that, for liability purposes, issuers often do not provide their allocation requirements in writing.[17]

Most commentators agree that recording and disclosing issuer policies and requirements would be beneficial. Managing underwriters currently take issuer direction on syndicate matters and relate such information to the members. The Board believes the formalization of this process should not be a burden; therefore, the Board has determined to propose the draft amendment.

Rule G–11(g): Senior syndicate managers to complete the allocation of securities within 24 hours of the sending of the commitment wire.

Six commentators support this draft amendment.[18] One commentator noted that ''all investors, both retail and institutional, benefit from a more timely allocation process.'' [19] While five commentators noted that support for the prompt completion of allocations, they also noted that a dealer's compliance with the draft amendment is dependent upon the timely actions of others (i.e., issuers and financial advisors) and thus recommended that the amendment not be adopted.[20]

The Board has determined to submit the proposed rule change because it should greatly facilitate the allocation process. The Board believes that, to ensure compliance with the proposed rule change, underwriters will include a provision in the bond purchase agreement that allocations must be completed within the 24 hour timeframe. If issuers or financial advisors wish to review orders and proposed allocations, they will have to do so within this 24 hour time period.

Rule G–11(g): Require disclosure to syndicate members of all designations to members within five business days following the date of sale.

Six commentators [21] support this draft amendment, with five of these recommending changes to the proposed timeframe.[22] Three commentators recommended disclosure within 10 business days following the date of sale to provide more time for the process to be completed.[23] One commentator suggested that the ''timeframe be extended to the later of ten business days after the date of sale, or three business days following receipt by the senior manager of the information.'' [24] One commentator recommended 10 to 15 business days as more feasible.[25]

Two commentators are opposed to syndicate members receiving a statement of designations made to all syndicate members.[26] One of these commentators stated that the draft amendment ''would discourage competition, essentially forcing accounts to go through the manager'' and that ''[s]mall accounts, in particular, would be even more vulnerable to intimidation by the manager and there would be little incentive for any account to work with any member other than the senior manager.'' [27] This commentator also stated that ''decreased competition would hurt issuers by raising the cost of issuance.'' The other commentator stated that ''[s]yndicate members view capital formation from the perspective of their own competitive advantage and would use allocation and designation information to challenge the fairness of decisions made by the senior manager.'' [28] These two commentators are in favor of an amendment to require the senior syndicate manager to disclose to individual syndicate members the amount of their respective designations, with one commentator [29] suggesting it be made within five business days following the date of sale and the other commentator [30] suggesting that it be made within seven business days following the date of sale. One of these commentators also stated that ''[o]ften, syndicate members fail to receive their full designation payments, to the benefit of the senior managers, as a direct result of delays in communicating this information'' and that ''implementation of this amendment is critical as it will

[9] GFOA also noted that in its 1996 recommended practice on ''Pricing Bonds in a Negotiated Transaction,'' it urged ''issuers to communicate to underwriters specific goals to be achieved in the pricing of bonds and expectations regarding the roles of each member of the financing team * * * [and] to give clear directions to underwriters on how bonds should be allocated and to review the Agreement Among Underwriters prior to the sale to ensure that it incorporated the issuer's goals.'' In addition, GFOA suggested that issuers ''approve all information that will be sent out by the underwriter on the preliminary pricing wire, including the allocation of the bonds and the take-down.''

[10] Goldman Sachs.

[11] BMA, Edward Jones, Lehman Brothers, Newman and Smith Barney. Lehman Brothers believed that issuer policies and requirements are more appropriately addressed in the Agreement Among Underwriters. Lehman Brothers noted that BMA recently revised its standard form of Agreement Among Underwriters with comments solicited from the industry and that none of the areas being reviewed by the Board concerning syndicate practices were identified as areas of concern to be addressed in the revised Agreement Among Underwriters; therefore, the amendments concerning syndicate practices are not needed. The Board notes, however, that BMA's notice requesting comment on its draft of a standard Agreement Among Underwriters stated that the ''Agreement does not attempt to address the syndicate proposals included in the recent MSRB Review of the Underwriting Process, since at this time it is impossible to predict whether, or in what form, those proposals might eventually be adopted.''

[12] BMA, Edward Jones, Lehman Brothers and Smith Barney.

[13] BMA and Smith Barney.

[14] Edward Jones.

[15] BMA and Lehman Brothers.

[16] BMA believed that ''[i]ssuers seeking to impose their requirements on syndicates must take the initiative to enunciate such requirements, in writing, and publish them so they are available to all who are involved, or considering becoming involved, in a syndicate for that issuer.'' Lehman Brothers believed that ''[t]o the extent that an issuer has specific designation policies, the issuer should be responsible for providing copies of such policies to the syndicate manager who could make copies available to syndicate members upon request.''

[17] Newman.

[18] Artemis, Edward Jones, Franklin Templeton, Goldman Sachs, GFOA and Rauscher Pierce. Franklin Templeton believed ''[b]onds should be confirmed no later than 24 hours after the order period has closed.''

[19] Edward Jones.

[20] BMA, Lehman Brothers, Newman, Smith Barney and Wachovia. Smith Barney also noted that 24 hours may not always provide sufficient time for issuers to review the allocations and that ''[i]ssuers have an interest in conducting such review to assure themselves that the book runner is acting fairly.''

[21] BMA, Edward Jones, GFOA, Lehman Brothers, Newman and Wachovia.

[22] GFOA had no comment about the timeframe.

[23] Edward Jones, Lehman Brothers and Newman.

[24] BMA.

[25] Wachovia.

[26] Artemis and Goldman Sachs.

[27] Artemis.

[28] Goldman Sachs.

[29] Goldman Sachs.

[30] Artemis.

considerably reduce the prevalence of this problem and help to ensure that syndicate members receive the full designation credit they have earned.'' [31]

Another commentator opposes the draft amendment in its entirety.[32] It believes that the designation information ''would potentially be used to promote further fixed economics in the municipal bond industry, through the use of set-asides or similar methods of allocation * * * the industry must allow the market system to allocate the economics if dealers are to efficiently allocate their resources.'' It further stated that ''those firms that provide services to investors, such as research, liquidity and analysis, profit by being compensated by those investors in the form of designations'' and fixed economics would provide a deterrent to ''firms from providing services to investors and the market at large.'' It also noted that it opposes the draft amendment because, for senior managers to be in compliance with any timeframe contained within the rule, they would have to rely on buyers making their designations within that timeframe. This commentator stated that, if the Board determines to go forward with the draft amendment, it would support BMA's comment to disclose designations ''upon the later of three days after notice from the buyer or ten days after the date of sale.''

The Board has determined to propose the draft amendment because it believes all syndicate members have the right to the disclosure of all designation information. The Board does not believe the proposed rule change will be used to promote ''fixed economics'' in the municipal securities industry. The Board did decide, however, to change the timeframe to require disclosure to syndicate members of all available designation information within 10 business days following the date of sale and all information with the sending of the designation checks. The Board believes almost all of the information will be available within 10 business days, but the additional time is provided to receive any late information.

Rule G–11(g): Require the senior manager to disclose to members of the syndicate, in writing, within 10 business days following the date of sale, the amount of any portion of the take-down that is directed to each member of the syndicate by the issuer.

Six commentators[33] support this draft amendment with one commentator noting ''this part of the take-down should be disclosed to syndicate members in the same manner as customer designations.'' [34] One commentator is opposed to the amendment noting that it would provide a means for syndicate members to challenge senior managers about their decisions.[35] Another commentator believes that the disclosure of a dealer's take-down should be made only to that dealer.[36] Two commentators suggested that the timeframe be changed to 15 days following the date of sale.[37] One commentator suggested that the timeframe be changed to the later of 15 business days following the date of sale, or three business days following receipt by the senior manager of notification of such set-asides.[38]

The Board has determined to propose the draft amendment because it believes all syndicate members have the right to the disclosure of all take-down information. The Board did decide, however, to change the timeframe to the later of 15 business days following the date of sale or three business days following receipt by the managing underwriter of notification of such set asides.

Rule G–12(k): Move the deadline for payment of designations from 30 business days following delivery of the securities to the customer to 30 calendar days after the issuer delivers the securities to the syndicate.

Eight commentators support this draft amendment.[39] One commentator stated that the amendment ''will greatly streamline the underwriting process.'' [40]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the Board's principal offices. All submissions should refer to File No. SR–MSRB–97–15 and should be submitted by May 12, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[41]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10506 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

[31] Artemis.

[32] Smith Barney.

[33] BMA, GFOA, Newman, Rauscher Pierce, Smith Barney and Wachovia.

[34] BMA.

[35] Goldman Sachs.

[36] Artemis.

[37] Newman and Wachovia.

[38] BMA.

[39] Artemis, BMA, Edward Jones, Goldman Sachs, Newman, Rauscher Pierce, Smith Barney and Wachovia.

[40] BMA.

[41] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39866; File No. SR–NASD–98–31]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Implement the Effective Date of Recently-Approved Amendments to Rules 3010 and 3110

April 14, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 7, 1998, the NASD Regulation, Inc. (''NASDR'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASDR. The NASDR

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

has designated this proposal as one constituting a stated policy, practice, or interpretation with respect to the meaning of an existing rule under Section 19(b)(3)(A)(i) of the Act,[3] which renders the rule effective upon the Commission's receipt of this filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASDR is proposing to implement the effective date of recently-approved amendments to the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') Rules 3010, ''Supervision,'' and 3110, ''Books and Records.''

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASDR included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASDR has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

A proposed rule change to amend NASD Rules 3010 and 3110 was filed with the Commission on April 11, 1997.[4] The purpose of the amendments was to allow firms to develop flexible procedures for the review of correspondence with the public. In that filing, the NASDR stated that it would make the proposed rule change effective within 45 days of Commission approval. Amendment No. 1, containing a draft Notice to Members to be issued following approval of the proposed rule change, was filed with the Commission on December 1, 1997.[5] The Notice to Members described the new rules and provided guidance to NASD members on the implementation of the new rules. The Commission approved the proposed rule change and Amendment No. 1 to the proposed rule change on December 31, 1997.[6] Notice to Members 98–11 announced approval of the proposed rule change and stated that the amendments to Rules 3010 and 3110 would be effective on February 15, 1998.

Subsequent to approval of the proposed rule change by the SEC, several commenters filed letters with the SEC raising issues regarding Amendment No. 1 to the proposed rule change and its accompanying Notice to Members.[7] The NASDR, believing that the letters raise important issues that should be fully addressed before the effectiveness of the rule change, filed a proposed rule change to postpone the effective date of the amendments to Rules 3010 and 3110 approved in Release No. 39510.[8]

The concerns raised by the commenters include issues concerning the effect of the rules on the review of incoming correspondence and the scope of the obligation of member firms to control the use of electronic communications systems that registered persons use to communicate with their customers. After considering these issues, the NASDR proposes to implement the amendments to Rules 3010 and 3110 approved in Release No. 39510 immediately, including the requirements set forth in Notice to Members 98–11, with the exception of the provision in the Notice stating that members must review ''all incoming correspondence received in non-electronic format directed to registered representatives and related to a member's investment banking or securities business.'' The NASDR proposes to delay the effective date of this provision until July 7, 1998. Extension of the effective date for this provision will allow the NASDR a further opportunity to consider comments on this issue. Prior to this effective date, however, members will be required to review and report customer complaints as required by Rule 3070(a)(2); keep and preserve all written customer complaints as required by Rule 3110(d); and establish procedures for the review of incoming and outgoing written and electronic correspondence consistent with new Rules 3010(d)(1) and (2).

Among other things, the NASDR proposes to make effective immediately that portion of the Notice of Members that states that members' supervisory policies and procedures must:

> prohibit registered representatives and other employees' use of electronic correspondence to the public unless such communications are subject to supervisory and review procedures developed by the firm. For example, NASDR would expect members to prohibit correspondence with customers from employees' home computers or through third party systems unless the firm is capable of monitoring such communications.

In response to comments received regarding this provision in the Notice, the NASDR wishes to point out that the Notice to Members does not establish any new obligation that is not already encompassed by Rule 3010's requirement that firms supervise the activities of their associated persons and registered representatives to ensure compliance with applicable securities laws and regulations and NASD rules and merely provides guidance to members on how they can comply with Rule 3010. Furthermore, the Notice to Members does not prohibit the use of such systems or dictate the use of a particular system. The Notice only points out that firms should prohibit correspondence with customers through electronic communication systems unless the firm is capable of supervising the communications. In developing procedures for the review of correspondence, each firm must determine how it will review different types of correspondence, including electronic correspondence. If the firm determines that it can subject correspondence to customers through

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] The proposed rule change (SR–NASD–97–24) was published for comment in the **Federal Register** on May 2, 1997. See Securities Exchange Act Release No. 38548 (April 25, 1997) 62 FR 24147.

[5] See Letter from Mary N. Revell, Associate General Counsel, NASDR, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission, dated December 1, 1997 (''Amendment No. 1'').

[6] See Securities Exchange Act Release No. 39510 (December 31, 1997) 63 FR 1131 (January 8, 1998) (''Release No. 39510'').

[7] See Letters from Carl B. Wilkerson, American Council of Life Insurance, to Jonathan G. Katz, Secretary, SEC, dated January 9, 1998 and January 29, 1998; Beverly A. Byre, BenefitsCorp Equities, Inc., to Jonathan G. Katz, Secretary, SEC, dated January 26, 1998; Michael S. Martin, The Equitable Life Assurance Society of the United States, to Jonathan G. Katz, SEC, dated January 29, 1998; Janet G. McCallen, International Association for Financial Planning, to Jonathan G. Katz, Secretary, SEC, dated February 13, 1998; W. Thomas Boulter, Jefferson Pilot Financial, to Jonathan G. Katz, Secretary, SEC, dated January 28, 1998; Leonard M. Bakal, Metropolitan Life Insurance Company and MetLife Securities, Inc., to Jonathan G. Katz, Secretary, SEC, dated January 28, 1998; Michael L. Kerley, MML Investors Services, Inc. to Secretary, SEC, dated January 26, 1998; Mark D. Johnson, The National Association of Life Underwriters, to Jonathan G. Katz, Secretary, SEC, dated February 5, 1998; Theodore Mathas, NYLIFE Securities, to Jonathan G. Katz, Secretary, SEC, dated January 16, 1998 and January 29, 1998; Beverly A. Byrne, One Orchard Equities, Inc., to Jonathan G. Katz, Secretary, SEC, dated January 26, 1998; Dodie Kent, Pruco Securities Corporation, to Jonathan G. Katz, Secretary, SEC, dated January 29, 1998; and James T. Bruce, Wiley, Rein & Fielding, on behalf of the Electronic Messaging Association, to Jonathan G. Katz, Secretary, SEC, dated January 30, 1998.

[8] The proposed rule change (SR–NASD–98–10) became effective on filing. *See* Securities Exchange Act Release No. 39665 (February 13, 1998) 63 FR 9032 (February 23, 1998).

electronic communication systems to appropriate supervision and review, the firm can allow employees to correspond with customers through such systems.

2. Statutory Basis

The NASDR believes the proposed rule change is consistent with Section 15A(b)(6) of the Act,[9] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The NASD believes that implementing the effective date of the new rules with the exception of the requirement to review all incoming non-electronic correspondence is consistent with these requirements.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDR does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participation or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration or enforcement of an existing rule of the Association and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and subparagraph (e) of rule 19b–4 thereunder.[11]

At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing also will be available for inspection and copying at the NASD. All submissions should refer to File No. SR–NASD–98–31 and should be submitted by May 12, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10420 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

[9] 15 U.S.C. 78o–3(b)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 19b–4(e).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39863; File No. SR–NSCC–98–1]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Charges

April 14, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 12, 1998, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change reduces certain fees, lowers certain caps on fees, and implements one new cap on certain fees.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC's fees are based in part on the expected volume of transactions submitted to NSCC for processing. Because the volume of transactions submitted to NSCC for processing has increased over the past few years, NSCC has determined that it is appropriate to reduce certain fees, to lower certain caps on certain fees, and to implement one new cap. The proposed changes are as follows:

(1) Trade Comparison Fee

Currently, the trade comparison fee for each side of each stock, warrant, or right trade submitted is $.018 per 100 shares with a minimum fee of $.072 and a maximum fee of $1.35. This rule change reduces this maximum fee from $1.35 to $1.08.

(2) Trade Recording Fee

At present, the trade recording fee for each side of each stock, warrant, or right item originally compared by other parties but cleared through NSCC is $.012 per 100 shares with a minimum fee of $.048 and a maximum fee of $.90. This rule change reduces the trade recording fee of such items to $.008 per 100 shares with a minimum fee of $.032 and a maximum fee of $.48.

(3) Trade Clearance Fees

Current trade clearance fees are as follows: $.50 per issue received from NSCC's continuous net settlement (''CNS'') system to satisfy a long valued

[2] The Commission has modified the text of the summaries prepared by NSCC.

position, $.50 per delivery on CNS in the night processing cycle to cover a short valued position, and $1.25 per delivery to CNS in the day processing cycle to cover a short valued position. Each of these three fees includes a $.075 charge associated with a CNS delivery order movement. Under this rule change, the charge for CNS delivery order movements will be reflected as a separate charge of $.06 instead of $.075. To reflect both the removal of the delivery order movement component of these fees and the additional reductions, the trade clearance fees for these items are being reduced as follows: $.40 per issue received from CNS to satisfy a long valued position, $.40 per delivery to CNS in the night processing cycle to cover a short valued position, and $1.00 per delivery to CNS in the day processing cycle to cover a short valued position.

(4) Membership Fees

NSCC is making two changes with respect to its membership fees. First, it is reducing its networking membership fee from $250 to $200 per month. Second, NSCC currently has a cap on the aggregate dollar amount of membership fees which it charges for the following services: trade processing systems, envelope settlement system, dividend settlement service, and Fund/SERV.[3] NSCC is removing Fund/SERV from this cap and is implementing a new cap of $200 on the aggregate dollar amount of membership fees that may be charged to a participant for use of Fund/SERV, networking, and mutual fund commission settlement.[4]

(5) Other Mutual Fund Related Fees

Other mutual fund related fees are being reduced. The Fund/SERV transaction fee is being reduced from $.35 to $.30 per side per order or transfer request. The networking account base fees for accounts relating to funds paying monthly dividends are being reduced from $.025 to $.020 per networking subaccount and from $.015 to $.010 for accounts relating to funds paying dividends less frequently than monthly. The minimum charge for mutual fund commission record submissions is being reduced from $100 to $50.

[3] For members with ten or less assigned numbers, this cap is $200 per month, and for members with more than ten assigned numbers, the cap is $150 for the first ten numbers and $75 for each additional number.

[4] The individual fees are $50 for Fund/SERV membership, $50 for mutual fund commission settlement membership, and $200 for networking membership taking into account the reduction made by this filing.

NSCC intends to give members the benefit of these fee changes effective as of January 1, 1998. The necessary adjustments to accommodate these reductions will be reflected in bills transmitted to members in March 1998.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act, and the rules and regulations thereunder because it provides for the equitable allocation of dues, fees, and other charges among NSCC's members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[5] of the Act and pursuant to Rule 19b–4(e)(2)[6] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by NSCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–98–1 and should be submitted by May 12, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10419 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–(e)(2).

[7] 17 CFR 200.30–3(A)(12)

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39864; File No. SR–NSCC–97–14]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Granting Approval of a Proposed Rule Change to Modify NSCC's Rules Regarding its Trade Comparison Service

April 14, 1998.

On December 9, 1997, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–NSCC–97–14) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] to modify NSCC's procedures regarding its trade comparison system for over-the-counter (''OTC'') securities. Notice of the proposal was published in the **Federal Register** on January 28, 1998.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

The rule change modifies NSCC's trade comparison service by discontinuing the ability of members to submit the following instructions: ''delete of original trade input,''[3]

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 39563 (January 20, 1998) 63 FR 4336.

[3] NSCC members used the ''delete of original trade input'' instruction to delete any item for which the comparison process resulted in an uncompared trade.

''demand withhold,''[4] and ''demand as of.''[5] Such instructions are used very infrequently by NSCC members due to the growth of automated processing systems. Additionally, the change eliminates members' ability to submit an advisory listing after the first day after trade date (''T+1'') for original input and as of trades.[6] Under the third change, the supplemental contract lists and the added trade contract lists no longer carry forward totals from prior days.[7]

II. Discussion

Section 17A(b)(3)(F)[8] provides that the rules of a clearing agency must be designed to facilitate the prompt and accurate clearance and settlement of securities transactions. The Commission believes that the rule change is consistent with NSCC's obligations under the Act because it permits NSCC to discontinue certain functions that are rarely used or that no longer serve a useful function. Discontinuing these functions permits NSCC to focus its resources on functions that provide greater benefits to its members. Thus, the proposal may assist NSCC in fulfilling its obligation to facilitate the prompt and accurate clearance and settlement of securities transactions.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–97–14) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10505 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

[4] The ''demand withhold'' instruction deleted previously compared OTC transactions that have been canceled by mutual agreement of the buyer and the seller.

[5] The ''demand as of'' instruction permitted uncompared OTC trade data submitted by members to be resubmitted.

[6] Advisory listings indicate trades that were submitted by another party against the member but that did not match any trade the member submitted.

[7] The supplemental contract lists show all compared trades resulting from adjustments submitted on T+1. The added trade contract lists show trades that are compared on T+2 and thereafter.

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39862; File No. SR–OCC–98–01]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Charges

April 14, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 2, 1998, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend OCC's fee schedule relating to fees for established products and to introductory clearing fees for new products.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC's current clearing fee for established products is $.10 per contract, per side. Under the proposed rule change this single clearing fee will be replaced with the following fee structure:

Cleared trades of—	Clearing fee (per side)—
1–500 contracts	$0.09 per contract.
501–1,000 contracts ..	.07 per contract.
1,001–2,000 contracts	.06 per contract.
Greater than 2,000 contracts.	110.00 per trade.

In addition, OCC's introductory clearing fees for new products currently are (i) $.00 per contract per side for the first month the new product is traded; (ii) $.025 per contract per side for the second month the new product is traded; (iii) $.050 per contract per side for the third month the new product is traded; and (iv) $.10 for the fourth month the new product is traded and thereafter. Under the proposed rule change, OCC's current introductory fees will be replaced with the following fee structure:

New products	Clearing fee (per side)
First Calendar Month Traded	$0.00
Second Calendar Month Traded:	
Cleared trades of:	
1–4,400 contracts	[a].025
Greater than 4,400 contracts	[b]110.00
Third Calendar Month Traded:	
Cleared trades of:	
1–2,200 contracts	[a].050
Greater than 2,200 contracts	[b, 3]110.00

[a] Per contract. [b] Per trade.

[3] OCC has informed the Commission that it is modifying the introductory fees for cleared trades of more than 4,400 contracts during the second calendar month and of more than 2,200 trades during the third calendar month so that introductory fees for new products do not exceed the volume discounts under the regular fee schedule.

In the fourth calendar month that the new product is traded and thereafter, OCC will begin charging its clearing fees for established products. Cleared trades will be determined with reference to the matched trades reported to OCC by its participant exchanges.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[4] and the rules and regulations thereunder because it provides for the equitable allocation of dues, fees, and other charges among OCC's participants and other parties who use OCC's services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impose any burden on competition.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

[4] 15 U.S.C. 78q–1.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[5] of the Act and pursuant to Rule 19b–4(e)(2)[6] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by OCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR–OCC–98–01 and should be submitted by May 12, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–10418 Filed 4–20–98; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Collection Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), in compliance with Public Law 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

Certificate of Coverage Request—0960–0554. The information collection is used by the Social Security Administration (SSA) to provide to an individual working in a foreign country, a certificate of coverage from the United States Social Security system. This certification exempts the individual from paying taxes into a foreign Social Security system. The respondents are workers and employers whose work is performed in a foreign country.

The hour burden may vary, because the information may be collected in writing, by telephone or electronically.

	Telephone/Mail	Electronic
Number of Respondents	33,500	500.
Frequency of Response	1	1.
Average Burden Per Response	30 minutes	20 minutes.
Estimated Annual Burden	16,750 hours	167 hours.

Written comments and recommendations regarding the information collection(s) should be sent within 60 days from the date of this publication, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the agency's burden estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4125 or write to him at the address listed above.

Dated: April 15, 1998.

Nicholas E. Tagliareni,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 98–10553 Filed 4–20–98; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice: Receipt of Noise Compatibility Program and Request for Review; Daytona Beach International Airport, Daytona Beach, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the updated noise exposure maps submitted by the County of Volusia, Florida for Daytona Beach International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program update that was submitted for Dayton Beach International Airport under part 150 in conjunction with the noise exposure maps, and that this program update will be approved or disapproved on or before September 28, 1998.

EFFECTIVE DATE: The effective date of the FAA's determination on the updated noise exposure maps and of the start of its review of the associated noise compatibility program update is April 1,

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(e)(2).

[7] 17 CFR 200.30–3(a)(12).

1998. The public comment period ends May 31, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Tommy J. Pickering, P.E., Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822–5024, (407) 812–6331, Extension 29. Comments on the proposed noise compatibility program update should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the updated noise exposure maps submitted for Daytona Beach International Airport are in compliance with applicable requirements of part 150, effective April 1, 1998. Further, FAA is reviewing a proposed noise compatibility program update for that airport which will be approved or disapproved on or before September 28, 1998. This notice also announces the availability of this program update for public review and comment.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties to the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The County of Volusia, Florida, submitted to the FAA on March 16, 1998, updated noise exposure maps, descriptions and other documentation which were produced during the Daytona Beach International Airport FAR part 150 Program Update conducted between December 12, 1994 and March 10, 1998. It was requested that the FAA review this material as the noise exposure maps, as described in Section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Section 104(b) of the Act.

The FAA has completed its review of the updated noise exposure maps and related descriptions submitted by the County of Volusia, Florida. The specific maps under consideration are ''Noise Exposure Map 1996 Noise Contours'' and ''Noise Exposure Map 2001 Noise Contours'' in the submission. The FAA has determined that these maps for Daytona Beach International Airport are in compliance with applicable requirements. This determination is effective on April 1, 1998. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program update for Daytona Beach International Airport, also effective on April 1, 1998. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program update. The formal review period, limited by law to a maximum of 180 days, will be completed on or before September 28, 1998.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program update with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the updated noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program update are available for examination at the following locations:

Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822–5024

Director's Office, Daytona Beach International Airport, 700 Catalina Drive, Suite 300, Daytona Beach, FL 32114

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Orlando, Florida April 1, 1998.

Charles E. Blair,

Manager, Orlando Airport District Office.

[FR Doc. 98–10564 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Streamlining Software Aspects of Certification Industry Workshop

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Industry Workshop.

SUMMARY:

Background

In April 1997, the Federal Aviation Administration (FAA) initiated the Streamlining Software Aspects of Certification (SSAC) program. The overall goal of this program is to reduce

the cost and time of certifying systems with software while maintaining or increasing system safety.

The purpose of SSAC is: (1) To determine scientifically if the time/expense burden yields the safety benefits; (2) to recommend improvements; and (3) to prototype those improvements. The FAA assembled a team of experts to accomplish this purpose.

In January 1998, the first SSAC workshop was held to gather industry's input regarding cost and schedule drivers. The data gathered from the first workshop has been analyzed and is presented in a report that can be accessed on the SSAC web-site: <http://shemesh.larc.nasa.gov/ssac/>.

Workshop Announcement

On May 19–21, 1998, the second SSAC Workshop will be held starting at 8:30 am. The workshop will be held at the Holiday Inn Fair Oaks in Fairfax, Virginia. The purpose of the workshop is: (1) To identify the three most important issues affecting certification costs and schedules, (2) to define a preliminary process for collecting data about the extent and significance of these issues, (3) to begin determining their root causes, and (4) to begin addressing some of the short-term opportunities identified at the first workshop.

Attendance is open to the appropriate industry participants; however registration is required. Persons wishing to receive additional information or to register should visit the SSAC web-site at <http://shemesh.larc.nasa.gov/ssac/> or contact the SSAC Assistant Program Manager, Bonnie Danner: TRW Government Information Services Division; One Federal System Park Drive; Fairfax, VA 22033–4416; 202–651–2254 (phone); or 202–484–1255 (fax).

Issued in Washington, DC, on April 15, 1998.

Brian Yañez,

Acting Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 98–10562 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application to Impose and Use the Revenue from a Passenger Facility Charge (PFC) at Fort Wayne International Airport, Fort Wayne, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Fort Wayne International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before May 21, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA Great Lakes Region, Chicago Airports District Office, 2300 East Devon Avenue, Room 201, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Lester P. Coffman Jr., Executive Director, of the Fort Wayne—Allen County Airport Authority at the following address: Fort Wayne—Allen County Airport Authority, Suite 209, Lt. Paul Baer Terminal, Fort Wayne, Indiana 46809.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Fort Wayne—Allen County Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Pur, Airports Engineer, FAA Great Lakes Region, Chicago Airports District Office, 2300 East Devon Avenue, Room 201, Des Plaines, Illinois 60018, 847/294–7527. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue a PFC at Fort Wayne International Airport under the provisions of the aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On April 7, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Fort Wayne—Allen County Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 9, 1998.

The following is a brief overview of the application.

PFC Application Number: 98–02–C–00–FWA.

Level of the proposed PFC: $3.00.

Proposed charge effective date: March 1, 2015.

Proposed charge expiration date: December 31, 2015.

Total estimated PFC revenue: $500,000.

Brief description of proposed project: Master Plan Update.

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: Air taxi/commercial operators that (1) by federal regulation are not required to report passenger statistics to the federal government and (2) enplane 10 or fewer passengers per flight.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Fort Wayne—Allen County Airport Authority.

Issued in Des Plaines, Illinois April 14, 1998.

Benito De Leon,

Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 98–10565 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–13–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the object to be included in the exhibit, ''The Nature of

Diamonds'' (See list [1]), imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. This object is imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the listed object at the American Museum of Natural History, New York, New York, from approximately April 24, 1998 through August 30, 1998, is in the national interest. Public Notice of this determination is ordered to be published in the **Federal Register**.

Dated: April 15, 1998.

Les Jin,

General Counsel.

[FR Doc. 98–10498 Filed 4–20–98; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Fund Availability Under the VA Homeless Providers Grant and Per Diem Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs is announcing the availability of funds for applications for assistance under the grant component of VA's Homeless Providers Grant and Per Diem Program. This Notice contains information concerning the program, application process and amount of funding available.

DATES: An original completed and collated grant application (plus three collated copies) for assistance under the VA Homeless Providers Grant and Per Diem Program must be received in Mental Health Strategic Healthcare Group, Washington, DC, by 4:30 PM Eastern Time on June 10, 1998. Applications may not be sent by facsimile (FAX). In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their material to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

FOR A COPY OF THE APPLICATION PACKAGE, CONTACT: Veterans Industries at (813) 228–2871 (this is not a toll-free call). For a document relating to the VA Homeless Providers Grant and Per Diem Program, see the final rule codified at 38 CFR Part 17.700.

SUBMISSION OF APPLICATION: An original completed and collated grant application (plus three copies) must be submitted to the following address: Mental Health Strategic Healthcare Group (116), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Applications must be received in the Mental Health Strategic Healthcare Group by the application deadline.

FOR FURTHER INFORMATION CONTACT: Theresa Hayes, Victor Harris, or Roger Casey, VA Homeless Providers Grant and Per Diem Program, Mental Health Strategic Healthcare Group (116), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 273–8966 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This Notice announces the availability of funds for assistance under VA's Homeless Providers Grant and Per Diem Program. This program is authorized by Public Law 102–590, the Homeless Veterans Comprehensive Service Programs Act of 1992. Funding applied for under this Notice may be used for: (1) Remodeling or alteration of existing buildings; (2) acquisition of buildings, acquisition and rehabilitation of buildings; (3) new construction. Applicants may apply for more than one type of assistance.

Although a separate notice will be published announcing fund availability for the Per Diem Component of the program, grant applicants seeking such assistance should indicate this request on the application submitted for a grant. The applicants who are awarded grants will not be required to complete a separate application for per diem assistance. VA will review those portions of the grant application that pertain to per diem.

Grant applicants may not receive assistance to replace funds provided by any state or local government to assist homeless persons. For existing projects, VA will fund only the portion of the project that will house the new program or new component of an existing program. A proposal for an existing project that seeks to shift its focus by changing the population to be served or the precise mix of services to be offered is not eligible for consideration. No more than 25 percent of services available in projects funded through this grant program may be provided to clients who are not receiving those services as veterans.

Authority

VA's Homeless Providers Grant and Per Diem Program is authorized by Sections 3 and 4 of Public Law 102–590, the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) and has been extended through fiscal year 1999 by Public Law 105–114. The program is implemented by the final rule codified at 38 CFR Part 17.700. The final rule was published in the **Federal Register** on June 1, 1994 and February 27, 1995, and revised February 11, 1997. The regulations can be found in their entirety in 38 CFR, Volume 1, Sec. 17.700 through 17.731, revised July 1, 1997. Funds made available under this Notice are subject to the requirements of those regulations.

Allocation

Approximately $5.0 million is available for the grant component of this program.

Application Requirements

The specific grant application requirements will be specified in the application package. The package includes all required forms and certifications. Conditional selections will be made based on criteria described in the application. Applicants who are conditionally selected will be notified of the additional information needed to confirm or clarify information provided in the application. Applicants will then have one month to submit such information. If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other grant and per diem applicants.

Dated: April 15, 1998.

Togo D. West, Jr.,

Acting Secretary of Veterans Affairs.

[FR Doc. 98–10542 Filed 4–20–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0129]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of

[1] A copy of this list may be obtained by contacting Ms. Neila Sheahan, Assistant General Counsel, at 202/619–5030, and the address is Room 700, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547–0001.

Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine the veteran's eligibility to obtain disability insurance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 22, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0129'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Insurance, Life Insurance, VA Form Letter 29–30a.

OMB Control Number: 2900–0129.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used by VA to determine the insurer's eligibility to obtain disability insurance benefits. The information on the form is required by 38 U.S.C., Section 1912, 1915, 1942 and 1948.

Affected Public: Individuals or households.

Estimated Annual Burden: 548 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 6,570.

Dated: April 2, 1998.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98–10558 Filed 4–20–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation, Notice of Meeting

The Department of Veterans Affairs gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation (Committee), authorized by 38 U.S.C., Section 3121, will be held on May 12th, 13th, 14th, 1998. The Committee will meet from 9:00 a.m. until 3:30 p.m. on May 12th and 13th and from 9:00 a.m. until 12 noon on May 14th. The purpose of the meeting will be to visit Chicago area public and private rehabilitation facilities, review the administration of these programs as they relate to the veteran population and to provide recommendations to the Secretary of Veterans Affairs. The Committee will convene at the Tremont Hotel, 100 East Chestnut, Chicago, Illinois. Because the Committee's agenda includes touring several facilities, they will be meeting at several locations as listed below.

On the morning of May 12th, the Committee will tour the Rehabilitation Institute of Chicago, located at 345 East Superior Street, Chicago, Illinois 60611. In the afternoon, the Committee will meet at the Great Lakes Naval Center, Great Lakes, Illinois 60088–5252, where they will receive a presentation on the Transitional Assistance Program and Disabled Transitional Assistance Program. On May 13th, the Committee will tour the Hines VA Medical Center's Blind Unit, Rehabilitation Engineering Unit, Spinal Cord Injury Unit and Information Fair, located at Roosevelt Road and 5th Avenue, Hines, IL 60141. On May 14th, the Committee will meet at the VA Regional Office, 536 S. Clark Street, Director's Conference Room #508 Chicago, IL 60605. They will discuss the facilities toured and review the minutes from the January meeting. The Committee will also discuss any unfinished business and potential topics for their future meeting.

The meeting will be open to the public. Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before the meeting. For those wishing to attend, please contact Frank Donlan at Department of Veterans Affairs, Vocational Rehabilitation and Counseling Service (28), 1800 G Street, NW, Washington, DC 20006, phone (202) 273–7436.

Dated April 14, 1998.

By Direction of the Acting Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98–10545 Filed 4–20–98; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Research and Development Cooperative Studies Evaluation Committee; Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) as amended, by section 5(c) of Public Law 94–409, that a meeting of the Research and Development Cooperative Studies Evaluation Committee will be held at the Marriott Residence Inn, 500 Army Navy Drive, Arlington, VA 22202, on May 4–5, 1998. The session on May 4 is scheduled to begin at 7:30 a.m. and end at 5:30 p.m. and on May 5 from 7:30 a.m. to 5:15 p.m. The meeting will be for the purpose of reviewing the following seven new proposals: therapy for hepatitis C related cirrhosis, prophylaxis of medical patients for thromboembolism, telemedicine on diabetic retinopathy, iron and atherosclerosis, influenza vaccine for COPD patients, therapy for heart failure patients, and hernia repair. The Committee will also review the progress of one ongoing study of treatment for liver fibrosis.

The Committee advises the Chief Research and Development Officer through the Chief of the Cooperative Studies Program on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects.

The meeting will be open to the public from 7:30 a.m. to 8:00 a.m. on both days to discuss the general status of the program. Those who plan to attend should contact Dr. Ping Huang, Coordinator, Research and Development Cooperative Studies Evaluation Committee, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC, (202–273–8295), prior to April 30, 1998.

The meeting will be closed from 8:00 a.m. to 5:30 p.m. on May 4, 1998, and from 8:00 a.m. to 5:15 p.m., on May 5, 1998. These portions of the meeting involve consideration of specific proposals in accordance with provisions set forth in section 10(d) of Public Law 92–463, as amended by section 5(c) of Public Law 92–409, and 5 U.S.C. 552b(c)(6). During the closed sessions of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research protocols, and similar documents, and the medical records of patients who are study subjects, the disclosures of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: April 14, 1998.

By Direction of the Acting Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98–10546 Filed 4–20–98; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Tuesday
April 21, 1998

Part II

Department of Commerce

Economic Development Administration

Research and Evaluation, National Technical Assistance—Request for Grant Proposals; Notice

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 980331082–8082–01]

RIN 0610–ZA06

Research and Evaluation, National Technical Assistance—Request for Grant Proposals

AGENCY: Economic Development Administration (EDA), Department of Commerce (DoC).

ACTION: Notice of availability of funds.

SUMMARY: A total of $340,000,000 is available to EDA for all of its programs for FY 1998 (See Notice of Funding availability for FY 1998 at 63 FR 10116), of which approximately $1,600,000 is or will be available for National Technical Assistance and for Research and Evaluation. EDA is soliciting proposals for the specific projects described herein: (1) Development and dissemination of cutting-edge and innovative techniques in economic development; (2) evaluation of technology transfer and commercialization efforts; (3) evaluation of the impact of EDA revolving loan fund investments; (4) development of information on effective Indian economic development projects and practices.

These projects will be funded if acceptable proposals are received. Remaining funding, if any, may be used to fund additional projects. The average funding level for a Research and Evaluation grant is $171,000 and for a National Technical Assistance grant is $176,000. Additional funding may or may not be available. EDA issues this Notice describing the conditions under which eligible applications for these National Technical Assistance under 13 CFR Part 307, Subpart C, and Research and Evaluation under 13 CFR Part 307, Subpart D, projects will be accepted and selected for funding.

DATES: Prospective applicants are advised that EDA will conduct a pre-proposal conference on May 7, 1998, at 10:00 a.m. EDT in the Department of Commerce, Herbert C. Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230, Room 1414, at which time questions on the National Technical Assistance and Research and Evaluation projects can be answered. Prospective applicants are encouraged to provide written questions (See **ADDRESSES** section below) by May 4, 1998. Prospective applicants unable to attend the pre-proposal conference may participate by teleconference. Teleconference information may be obtained by calling (202) 482–4085 between 9:00–4:00 EDT on May 6, 1998.

Initial proposals for funding under this program will be accepted through May 28, 1998. Initial proposals received after 5:00 p.m. EDT in Room 7005, on May 28, 1998, will not be considered for funding.

By June 16, 1998, EDA will advise successful proponents to submit full applications (containing complete proposals as part of the application), OMB Control Number 0610–0094. Completed applications must be submitted to EDA by July 7, 1998. EDA will make these awards no later than September 30, 1998.

ADDRESSES: Send initial proposals to John J. McNamee, Director, Research and National Technical Assistance Division, Economic Development Administration, Room 7005, U.S. Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: John J. McNamee, (202) 482–4085.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Authority

The Public Works and Economic Development Act of 1965 (PWEDA), (Pub. L. 89–136, 42 U.S.C. 3121 *et seq.*), as amended at § 3151 authorizes EDA to provide technical assistance which would be useful in reducing or preventing excessive unemployment or underemployment, and enhancing the potential for economic growth in distressed areas (42 U.S.C. 3151 (a)); and a program of research to assist in the formulation and implementation of national, state, and local programs to raise income levels and other solutions to the problems of unemployment, underemployment, underdevelopment and chronic depression in distressed areas and regions (42 U.S.C. 3151 (c)(B)). Pub. L. 105–119, makes funds available for these programs.

B. Catalog of Federal Domestic Assistance

11.303 Economic Development—Technical Assistance Program; 11.312 Economic Development—Research and Evaluation Program.

C. Program Descriptions

For descriptions of these programs see PWEDA and EDA's regulations at 13 CFR Chapter III.

D. Briefings and Workshops

Unless otherwise noted, each of the proposals requested below includes a requirement that the applicant conduct a total of up to seven briefings and/or training workshops for individuals and organizations interested in the results of the project. These will take place when the project is completed in all other respects and the results known. Potential applicants should be aware that the completion dates set forth below are for completion of the project and submission of the final written report. Briefings/workshops will take place no later than one year after completion of the project and submission of the final report, at seven locations and on seven dates at EDA's discretion. The locations include one in Washington, DC and one in each of EDA's six regions.

E. Additional Information and Requirements

Applicants should be aware that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of EDA to cover pre-award costs.

The total dollar amount of the indirect costs proposed in an application under this program must not exceed either the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award, or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

If an application is selected for funding, EDA has no obligation to provide any additional future funding in connection with an award. Renewal of an award to increase funding or extend the period of performance is at the sole discretion of EDA.

Unless otherwise noted below, eligibility, program objectives and descriptions, application procedures, selection procedures, evaluation criteria, and other requirements for this program are set forth in PWEDA and EDA's regulations at 13 CFR Chapter III, and EDA's Notice of Availability of Funds for FY 1998 at 63 FR 10116.

No award of Federal funds will be made to an applicant who has an outstanding delinquent federal debt until either: (1) the delinquent account is paid in full; (2) a negotiated repayment schedule is established and at least one payment is received; or (3) other arrangements satisfactory to the Department of Commerce are made.

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Applicants should be aware that a false statement on the application is grounds for denial of the application or termination of the grant award and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Applicants are hereby notified that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

Notwithstanding any other provisions of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. This notice involves a collection of information requirement subject to the provisions of the PRA and has been approved by OMB under Control Number 0610–0094.

II. How to Apply

A. Eligible Applicants

- National Technical Assistance—See 13 CFR 307.12. Eligible applicants are as follows: public or private nonprofit organizations including nonprofit national, state, area, district, or local organizations; accredited educational institutions or nonprofit entities representing them; public sector organizations; Native American organizations, including American Indian tribes; local governments and state agencies. Technical Assistance grant funds may not be awarded to private individuals or for-profit organizations.

- Research and Evaluation—See 13 CFR 307.17. Eligible applicants are as follows: private individuals, partnerships, corporations, associations, colleges and universities, and other suitable organizations with expertise relevant to economic development research.

B. Proposal Submission Procedures

The initial proposals submitted by potential applicants may not exceed ten pages in length and should be accompanied by a proposed budget, resumes/qualifications of key staff, and proposed time line. EDA will not accept proposals submitted by fax. Proposals must be received in Room 7005 at the address and by the submission deadline indicated above, in order to be considered.

III. Areas of Special Emphasis

A. National Technical Assistance Program

- Cutting-Edge and Innovative Practices in Economic Development.

EDA invites proposals to examine successful cutting-edge and innovative techniques in economic development that could be replicated in, adapted to, or serve as models for local economic development efforts; to develop a system for disseminating this information to the broadest possible audience through reports, brochures, Internet access/Web pages, etc.; to document in final hard copy and electronic report(s) the results of the research; and to facilitate making the results of EDA-funded research—already completed or currently underway—available on the Internet. The target audience is the economic development professional at the local level.

Background: A recent evaluation of the federal role in economic development noted that the evidence of the past decade shows states and localities do not have adequate incentive to invest in evaluation or in sharing their learning with peers in other localities or states. Word about cutting-edge and innovative economic development ideas and practices that work well does spread to other localities and states. However, the pace at which that information sharing takes place can be significantly accelerated and the quality of the information developed and shared can be significantly improved. The purpose of this grant is to develop and/or accelerate dissemination of cutting-edge and innovative practices in economic development.

One part of this goal will be achieved by systematically gathering and assessing exemplary practices, developing case studies, and facilitating dissemination of the results rapidly, particularly through use of the Internet. Case studies of interest, in addition to ones of general economic development, include ones in the following areas: trade and export development, technology transfer and commercialization, technology deployment in distressed areas, sustainable development and brownfields redevelopment, and projects that result from or demonstrate the positive value of regional cooperation. Exemplary practices in economic development through technology transfer or commercialization are the subject of a separate proposal, below. The exemplary practices selected need not be limited to EDA-funded projects, but they should, when possible, serve as examples of what EDA can and might fund. Since the purpose for collecting and disseminating the information is to highlight recent developments, projects selected for review should be limited to ones completed no earlier than 1994. Each case study should provide sufficient information about the project to be of maximum use to practitioners.

A second part of this goal is achieved by disseminating the results of major EDA-funded studies. EDA studies funded in the past two years have already produced (or shortly will produce) significant new information on such issues as the impact of incubator investments, the role of cluster-based economic development as a regional strategy, an assessment of state and regional business incentives, etc. This information has been or will be made available in written report form. It should also be made available on the Internet, in order to be readily accessible and available to the greatest number of economic development practitioners.

Scope of Work: The successful applicant will (1) survey a broad range of economic development practitioners and organizations at the local, state, and federal levels to gather information on a variety of cutting-edge and innovative practices in rural and urban economic development; (2) convene a panel of practitioners to evaluate the cases; (3) in a final report, describe the context, design, implementation, and results of—including lessons learned from—each exemplary practice, and provide the rationale for selecting it; (4) review selected governmental and non-governmental economic development Web sites for effectiveness of information dissemination to practitioners, identify deficiencies, and recommend appropriate design and technical specifications and provide technical assistance so that selected EDA-funded studies that were completed since FY 96 or will be completed in FY 98 and the cutting-edge and innovative practices studies that will be developed under this grant can be readily accessed by practitioners; (5) recommend ''hot links'' to other appropriate economic development Web sites; (6) recommend other information dissemination vehicles, such as targeted brochures to disseminate the information to the broadest possible audience in the economic development community; and (7) conduct briefings and/or training workshops as set forth in Section I.D. above.

Cost: If properly justified, the Assistant Secretary may consider a

waiver of the required 25 percent local share of the total project cost.

Timing: The project should be completed and the final report submitted by March 31, 1999.

- Evaluation of Technology Transfer and Commercialization Efforts.

EDA invites proposals to evaluate the state of technology transfer and commercialization projects, report on best practices in the field, and present models for developing and implementing such types of projects at the local level, including in distressed areas.

Background: Technology represents 50 percent of the nation's economic growth and is the most important enabling industry. There has been extensive Federal and state funding for technology transfer and commercialization projects. Growing technology-based enterprises, however, poses unique challenges. One of the purposes of this proposal is to determine what the key ingredients of a successful technology transfer and commercialization project are. A second is to identify the appropriate tools and models for technology transfer and commercialization in varying economic situations, including in economically distressed communities. What are the characteristics, structures and practices that drive technology transfer and commercialization to successful outcomes? How effective are they (or could they be)?

Information about the process of development and implementation of technology transfer and commercialization projects, and the kinds of projects that have been successful, is not readily available to economic development practitioners. There is a need to educate public and private sector leaders, especially those in economically distressed areas, about the economic benefits of science- and technology-based jobs and the potential coupling of those jobs with unemployed or underemployed workers. When considering technology transfer and commercialization projects, local leaders and economic development professionals need to know what kinds of projects have worked in various settings, such as urban or rural economies, the major elements of successful development and implementation, appropriate partners, etc.

Scope of Work: The successful applicant will (1) survey economic development practitioners and technology transfer and commercialization projects and specialists to identify technology projects in diverse settings for evaluation, including those that are appropriate examples for distressed area economic development; (2) visit a variety of such projects to determine the major elements involved in the project development and implementation process; (3) determine what the goals of successful projects were and whether the chosen strategies and practices were successful in achieving those goals; (4) define what the measures of success for technology commercialization at the local level are (job creation, diversification of the local economy, creation of high quality, better-paying jobs, international competitiveness, etc.); (5) determine what the most pressing problems are which local communities and entrepreneurs face in technology transfer and commercialization; (6) identify models for adoption or adaptation in economically distressed areas; (7) convene a panel of practitioners to review the identified development and implementation process and identify exemplary practices; (8) in a final report, describe the development and implementation process and exemplary practices in technology transfer and commercialization projects, as well as models for their implementation in distressed areas; and (9) conduct briefings and/or training workshops as set forth in Section I.D. above.

Cost: If properly justified, the Assistant Secretary may consider a waiver of the required 25 percent local share of the total project cost.

Timing: The project should be completed and the final report submitted by June 30, 1999.

B. Research and Evaluation Program

- Impact of EDA Revolving Loan Fund (RLF) Investments:

EDA invites proposals to evaluate the extent to which EDA RLF grants achieve structural economic adjustment in the target community and the length of time required to do so.

Background: EDA's Economic Adjustment Program, which was established in 1974, helps communities design and implement strategies for facilitating adjustment to economic changes that are causing or threaten to cause serious structural damage to the underlying economic base. Such changes may occur suddenly or over time, and result from industrial or corporate restructuring, reductions in defense expenditures, natural disasters, depletion of natural resources, or new Federal laws or requirements. EDA grants provide such communities with the critical resources necessary to organize and carry out an adjustment strategy tailored to their particular economic problems and opportunities. EDA economic adjustment assistance may fund strategic planning, technical assistance, construction of critical infrastructure or establishment of a revolving loan fund (RLF). This research effort is limited to an evaluation of RLFs as an economic adjustment tool.

Each EDA RLF grantee must prepare a strategy which identifies the approach it will use in providing RLF financing, as part of the broader business development strategy designed to support achieving the goals and objectives of the community's economic adjustment process. The strategy incorporates the particular opportunities identified for stimulating business investment and productivity, and defines the types of RLF investments believed to be most effective in supporting the objectives of the adjustment program. All RLF investments must be consistent with the strategy.

The fundamental impact of an EDA RLF economic adjustment grant should be the economic adjustment of the target area. Much of that impact will occur a considerable time after the grant is made. The proposed research should determine the extent to which target communities have begun (or achieved) structural economic adjustment, factors that affect the length of time needed to achieve full adjustment, and the contribution that the RLF funding made (or did not make) in stimulating/enabling positive structural economic change within a community.

Scope of Work: The successful applicant will develop a methodology for determining and evaluating the economic impact of RLF investments in achieving structural economic adjustment. In doing so, it will examine such issues as whether the RLF strategy was the appropriate one, i.e., was the underlying adjustment strategy rational, realistic, and responsive to the structural dislocation; was the community committed to following the strategy; and were the loans made consistent with the strategy, i.e., whether the potential categories of borrowers identified in the strategy were in fact targeted for loans, and whether initial and subsequent loans were made in a timely manner. The applicant will examine briefly the distinctions among EDA-funded RLFs and those funded by other federal agencies such as HUD, USDA, SBA, etc. The applicant will make the evaluation using a sample group of RLF projects. The sample should be stratified to include RLF grants funded under EDA's (a) regular Economic Adjustment Program, (b) Defense Adjustment Program, and (c)

other special initiatives, including disaster relief. EDA expects the methodology to consider the core performance measures that are currently applied to RLF grants, as well as other relevant measures suggested by the above-described analysis. It should determine whether these measures in fact demonstrate the value of an RLF strategy in achieving structural economic adjustment. The research should also evaluate whether failure to achieve structural economic adjustment correlates with failure to implement the RLF economic adjustment strategy, or whether the strategy itself was an appropriate one. The final report must fully document the methodology used for the project, as well as revisions suggested by testing the methodology on the actual projects. The results must be presented in briefings and/or training workshops as set forth in Section I.D. above.

Cost: No local match is required for this project.

Timing: This project should be completed and the final report submitted by September 30, 1999.

- American Indian Economic development.

EDA invites proposals to develop and disseminate information on effective economic development projects and practices in Indian economic development.

Background: Economic development on American Indian reservations presents a unique set of circumstances and opportunities, as well as challenges. Successful projects do occur within the context of those unique circumstances. The factors that contribute to their success, however, often remain unknown outside a particular reservation or tribe. This project will examine reservation economic development to identify a wide variety of successful economic development projects, determine the principal factors that contributed to their success, document the results in case studies, and disseminate the results both through the case studies and conferences. EDA has partnered with a number of tribes in developing and implementing economic development projects. This project will also examine EDA's effectiveness in doing so.

Scope of Work: The successful applicant will:

1. Compile approximately 20 examples of practices in Indian economic development that are viewed as successful by the local tribal communities. These examples should be drawn from across the country and from across the range of reservation settings. For example, the examples could address telecommunications and technology, workforce development, tourism, manufacturing, and microenterprise, among others.

2. Define the unique characteristics of each successful project, and describe the major elements of the process for developing and implementing such projects.

3. Study EDA's historic role in reservation economic development, evaluate the success of that role, and identify the ways in which EDA has been most effective.

4. Within the context of the above examples of effective EDA involvement in reservation development, assemble several examples of how partnerships were effective, and outside resources, as well as tribal resources, were leveraged effectively.

5. Consider the option of creating a small panel of experts that could further focus the issues.

6. At completion of the project, hold two conferences targeted to economic development practitioners on Indian reservations to disseminate the project results. These conferences will be held at locations agreed to by EDA and take the place of the conferences set forth in Section I.D. above.

Cost: No local match is required for this project.

Timing: This project should be completed and the final report submitted by September 30, 1999.

IV. Selection Process and Evaluation Criteria

Proposals will receive initial reviews by EDA to assure that they meet all requirements of this announcement, including eligibility and relevance to the specified project as described herein. If a proposal is selected, EDA will provide the proponent with an Application form, and EDA will carry out its selection process and evaluation criteria as described in 13 CFR Chapter III, Part 304 and Sections 307.13, 307.14, 307.18, and 307.19.

From the full proposals and application, EDA will select the applicants it deems most qualified and cost effective. EDA anticipates that more full proposals and applications will be invited than will eventually be funded.

Dated: April 16, 1998.

Phillip A. Singerman,

Assistant Secretary for Economic Development.

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Federal Aviation Administration

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